

Daniel Schorr On CIA Press Assets

Nicholas von Hoffman On Hamilton Jordan

Alexander Cockburn On The Year That Was

AGAINMBOONZEIL MO SAMPLE CON MARCIA GAINEY SER DEPT ***

XEROX UNIV MICROFILMS

BOO N ZEEB RD

ANN ARBOR

MI 48106

SALT Talks: Leaking Toward Armageddon?

Surviving in a complex world•The slot machine theory•Strengths, frailties, and shared water

As one of the world's largest industrial organizations, we know we can retain our franchise to do business around the world only as long as the job we do is effective, useful, and important in serving people's needs. And only as long as people realize this.

We have to be sensitively concerned with society's problems and hopes, even if only in our own self-interest, because we are intricately involved in the complexities of this increasingly complex world. And we learned a long time ago that the success of a company depends in part on factors that don't appear in the balance sheet.

We believe the United States has entered a period in which people will increasingly want to know more about a corporation than just the quality of its products and services. We believe that more and more people are going to want to know something of the value patterns and basic convictions of the individuals who run a corporation, the individuals who in many ways set the tone for the entire company and who inevitably exert an impact on society.

Which is to say that what people think of a company has a lot to do with whether or not it makes money, or indeed even survives. A company such as ours certainly cannot plead that it exists solely to sell goods and services and to earn a profit. No such company can any longer take for granted even the right to be in business, because that right could be withdrawn any time such action seemed desirable to enough people.

In the words of a former chairman of Mobil, "No business is truly safe unless it serves its customers better than they could serve themselves, persuades them that it is doing so, and retains their goodwill in the process. One can't be too sure how long corporations would retain their present opportunities to operate at a profit if making money were their sole contribution to society."

Mobil tries to be a good employer, a good supplier, a good customer, a good investment, and a socially conscious organization. We try also to be responsive to the aspirations and legitimate needs of minorities and others of the disadvantaged, to environmental problems, and to a host of other concerns. And we would not argue that this is undiluted altruism

Clearly, however, a corporation labors under

severe handicaps in trying to establish itself as a good citizen. The criteria are frequently hazy and subject to sharp differences of opinion among contending groups. There are, and probably always will be, those who find something sinister in the very existence of a large corporation—particularly, we suppose, a large oil company.

Many people view the modern corporation as a glorified slot machine created and operated by glassy-eyed, flint-hearted bankers, lawyers, and technocrats. All this quite naturally plays into the hands of political demagogues, who realize that relatively few of the general public have the information necessary to make value judgments where complex issues of economics and technology are involved.

Since many politicians' concept of infinity extends only to the next election, it is probably unrealistic to expect them to behave otherwise. But this compounds the problems of more-responsible politicians and of businesses that are laboring to persuade the public by concrete example that they are fair, conscientious, public-spirited, and socially desirable.

This is not to argue that all businesses—or any of them, for that matter—are perfect. Far from it. But the individuals who run businesses did not resign from the human race when they became corporate managers. And the individuals who devote themselves in such large measure to denouncing our industrial civilization do not thereby acquire halos. We all have our frailties

Having said that, we have to add that we are mystified that so many of our critics can forget that we have to breathe the same air they breathe, drink the same water they drink, live in the same towns and cities they live in, enjoy the same beaches they enjoy, and exist in the same society in which they exist. How could we possibly be oblivious to the quality of life or to the aspirations of an upwardly mobile society?

We think the public is ill-served by a situation in which private business and its critics find themselves in a running battle of charge and counter-charge. In our view, our country needs and is entitled to a calmer, more constructive dialogue to delineate more sharply the most productive relationship between business and society. That way, we believe, lies the best hope for the future

Response to human health needs



Spend 20 minutes reading Lederle's booklet and discover:

- · How new drug ideas are born
- The astronomical cost of creative drug research
- What research facilities and methods are used to turn a biochemical theory into a reality
- How one of the Virgin Islands was defended against a dangerous tropical disease

 • How the polio vaccine is made
- The role of the computer in drug research
- How drugs are marketed
- The nonprofit services available to physicians and other healthcare professionals

For your copy of Response to Human Health Needs, fill out and mail the coupon:

Lederle Laboratories

Dept. PR Pearl River, New York 10965

I'm interested. Please send me your new 28-page booklet, Response to Human Health Needs.

STATE

NEWSPAPER OR MAGAZINE AFFILIATION



LEDERLE LABORATORIES. A Division of American Cyanamid Company Pearl River, New York 10965

reprints on JOURNALISM from GREENWOOD

EDITING THE COMPANY PUBLICATION

by Garth Bentley LC 74-138099. ISBN 0-8371-5675-0. (New York, 1953). ix, 242 pp. BECP \$12.75

DON'T LET THEM SCARE YOU: The Life and Times of Elmer Davis

by Roger Burlingame LC 73-21284. ISBN 0-8371-6146-0. (Philadelphia, 1961). 352 pp., illus. BUSY \$17.50

TELL IT TO SWEENEY: The Informal History of the New York Daily News

by John Chapman LC 77-8991. ISBN 0-8371-9724-4. (Garden City, N.Y., 1961). 288 pp., illus. CHTS \$19.50

HISTORY OF "THE NEW YORK TIMES", 1851-1921

by Elmer Holmes Davis LC 72-95092. ISBN 0-8371-2578-2. (New York, 1921). xxii, 434 pp., facsims., ports. DAHT \$28.00

HOW TO WRITE COLUMNS

by Olin Ethmer Hinkle and John M. Henry LC 71-90148. ISBN 0-8371-2295-3. (Ames, Iowa, 1952). x, 288 pp., illus. HIWC \$20,25

THE ATLANTIC MONTHLY AND ITS MAKERS

by Mark Antony De Wolfe Howe LC 77-142319. ISBN 0-8371-5922-9. (Boston, 1919). 106 pp., illus., ports. HOAT \$9.25

AN HONORABLE TITAN: A Biographical Study of Adolph S. Ochs

by Gerald White Johnson LC 74-107293. ISBN 0-8371-3836-1. (New York, 1946). ix, 313 pp. JOHT \$14.25

MINK AND HERRING: The Wayward Pressman's Casebook

by Abbott Joseph Liebling LC 76-157960. ISBN 0-8371-6174-6. (Garden City, N.Y., 1949). 251 pp. LIMR \$13.75

THE WAYWARD PRESSMAN

by Abbott Joseph Liebling LC 71-157959. ISBN 0-8371-6173-8. (Garden City, N.Y., 1947). 284 pp. LIWP \$13.50

DATELINE: WASHINGTON; The Story of National Affairs Journalism in the Life and Times of the National Press Club

Edited by Cabell Phillips and others LC 69-10142. ISBN 0-8371-0183-2. (Garden City, N.Y., 1949). vii, 307 pp., illus., ports. NPCW \$18.00

"REUTERS": The Story of a Century of News-Gathering

by Graham Storey
Foreword by Lord Layton
LC 78-94619. ISBN 0-8371-2571-5.
(New York, 1951). xii, 276 pp., illus., ports.
STRE \$13.00

| Name Address City/State/Zip All orders must be prepaid—we then pay postage and handling. Institutions may order on account. | | | □ Check/Money Order □ Master Charge □ BankAmericard/Visa | | | |
|---|--|--|--|--|--------------|--------------|
| | | | | | | |
| | | | Prices are subject to change without n | | Author/Title | Jightature . |
| | | | | | | |
| | | | | | TOTAL | |

THE MEDIA MAGAZINI

FEBRUARY 1978

VOLUME 8, NUMBER 2



FEATURES

12 SALT Talks: Leaking Toward Armageddon?

By Robert G. Kaiser

The hawks, who once defended secrecy, are now disclosing details of arms negotiations.

18 Are CIA Assets A Press Liability?

By Daniel Schorr

Congressional hearings explore extent of agency's penetration of news industry.

24 Dining Out In Medialand

By Nicholas von Hoffman

Why top-drawer newsies like Barbara Walters break bread with the government.

DEPARTMENTS

- **Letters**
- Hellbox
- Libel

Libel Gets Tougher

By Marc A. Franklin

Appeals court decision in suit against 60 Minutes protects state-of-mind evidence.

30 Books Tools Of Power

By Andrew Kopkind

Thinking Big, history of L.A. Times, depicts newspaper entwined with Sunbelt interests.

35 Rosebud

California Dredging

By Leonard Sellers

San Francisco Bay Guardian expose blocks Carter administration appointment.

38 Literacy

The Year That Was

By Alexander Cockburn

How to write a Christmas column: a review of the pundits of vacuity.

Cover: Illustration by Philip Slagter

Publisher James B. Adler Editor Robert Friedman Senior Editor **Robert Karl Manoff Associate Editors** J. Anthony Lukas **Richard Pollak** David M. Rubin Assistant Editor Steve Robinson Assistant to the Editor Kathleen Hughes

Art Director Paul Richer

Contributing Editors **David Halberstam Judith Adler Hennessee Bob Kuttner** Mariene Adler Marks **James Monaco Philip Nobile** Ron Rosenbaum Peter Schrag **Chris Welles**

Editorial Assistants Kevin Berrill, Barbara Demick, Sheryl Fragin, Marguerite Karter, John Keller, Jeff Nicholas, Wendy Severinghaus, Elizabeth Shacknove. Janet Skidmore, Joyce Wells

Associate Publisher William J. Abbott General Manager And Circulation Director Romia Bull **Business Manager** Ann B. Epstein **Administrative Assistant** Donna Thurman

MORE is published monthly by MORE Magazine, Inc., 40 West 57th Street, New York, N.Y. 10019. James B. Adler, chairman and president. Subscription rates in the U.S., and its possessions: 1 year \$12.00, 2 years \$21.00, 3 years \$30.00; all other foreign add \$3.75 per year. Payment in U.S. currency must accompany all foreign subscriptions. Foreign air mail rates on request. Single copies \$1.25. Back issues, if available: 1977-78, \$2.00; 1971-1976, \$3.00. Payment must accompany orders for single copies. All subscription correspondence and change of address information to: MORE, P.O. Box 955, Farmingdale, N.Y. 11735. Please allow 6-8 weeks for first subscription copy to be shipped and for change of address to take effect. Please state both oil and new addresses when requesting an address change. All editorial, advertising, and other correspondence: MORE, 40 West 57th Street, New York, N.Y. 10019. Telephone (212) 757-3040. Sufficient return postage and self-addressed envelope must accompany all unsolicited manuscripts.

Sufficient feture postage and seri-addressed envelope must accompany an unsufficient feture postage and seri-addressed envelope must accompany an unsufficient feture postage and seri-addressed envelope must be publisher. All rights reserved, "MORE" is a registered trademark. Postmaster: Please send form 3579 to MORE, P.O. Box 955, Farmingdale, N.Y. 11735. SECOND-CLASS POSTAGE PAID AT WASHINGTON, D.C.

Microfilms of MORE, 1971 to present, are available through University Microfilms Company, 300 North Zeeb Road, Ann Arbor, Mich. 49106. Tel. (313) 761-4700. ABC membership applied for.

LETTERS

MORE ON SOUTH AFRICA

The articles on the media in South Africa in the December 1977 issue were thoughtful and informed. As conflict escalates there, it is vital to have a clear understanding of how the South African media operates and the basis for external coverage of that country.

Although excellent on the English-language press, your articles neglected the Afrikaans-language papers and the state monopoly of radio and TV. Although lagging in circulation among whites and blacks behind the English-language papers, the Afrikaans press enjoys enormous influence within its own ethnic community and generally supports the government line. A careful monitoring of this press provides the best evidence for dissension and discussion amidst the dominant minority.

Radio and, recently, TV are powerful propaganda arms of the state, increasingly active at home and abroad in several languages. If and when South Africa's English-language press is fully throttled, South Africans may become completely dependent on external sources, such as the BBC, to learn what is happening in their own country.

Aaron Segal Former Editor, Africa Report

The several articles criticizing the government of the Republic of South Africa, which filled the December 1977 issue of MORE, only bolstered my own notions of white self-hatred amidst American liberals.

Because the Republic of South Africa is governed by white Anglo-Saxons, it is assumed, by American white liberals, that its politics ought to share the American ideal of freedom of the press, and must

be superior to the freedoms observed in non-white countries. For example, far less hostility is shown to governments in black-controlled Africa, such as Uganda, which eliminate all non-government presses, crush dissent, and bar foreign reporters-because. even to the most bleedingheart American liberals, Negroes are expected to be less civilized and less honest than Anglo-Saxons and, therefore, native governments are not faulted for repressive policies.

If American liberals (and MORE magazine) were really eager to promote a free press and racial relaxation in South Africa, it would be better to assure the Republic of South Africa of free world support despite any difficulties it may have in its internal developments, rather than openly advocate black insurrection and red intervention, while forcing the government to have to provide all of its military defense itself (an instability which discourages any liberality in internal politics)

Bernard J. Sussman Washington, D.C.

NUCLEAR FICTION

Your article on PBS, "Nuclear Friction" [January 1978], is pure nuclear fiction. There were absolutely no corporate, nuclear, oil, or any other pressures on PBS regarding *Plutonium*, *Element of Risk*. Repeat—none whatsoever. Only the pressures of responsible judgment.

Lawrence K. Grossman President Public Broadcasting Service

"STRAIGHT" REPORTING

Your coverage of the D. C. gay porno movie fire [Hellbox, December 1977] focused on the issue of publishing names of the deceased. The *Star* did and the *Post* didn't, we are told, and the author seems to imply that the *Star*'s journalism was more complete, therefore better. I'm not so sure.

The decision to print or not to print the names of homosexuals who do not choose to reveal their homosexuality is a very serious matter. It cuts to the core of gay oppression. Lives of gay men are frequently ruined-sometimes to the point of suicide-when small-town newspapers print the names of those arrested for "lewd conduct" and "unnatural acts" at such places as highway rest-stop cruising areas. These same newspapers have often done nothing to inform their readers about the reality facing the gay men and lesbians who are among those very readers.

I personally do not believe the names of such arrested persons should be published without their permission. The homosexuals killed in that fire cannot be questioned on this matter, but the editor who considers the feelings of wives or children is not necessarily an evil censor. He may, in fact, be

prejudiced or an accomplice in furthering the notion that homosexuality is something to be ashamed of, but he also may just simply be concerned with the human element. Is this something to sneer at? Unfortunately, the article you published avoided these issues and its author apparently made no effort to talk to gay journalists or gay activists to determine their views on such a decision. In other words, your article was very "straight." This is not only a media issue; this is a gay liberation issue.

Allen Young Orange, Massachusetts

CENSORED STORIES

The readers of MORE are invited to participate in a national research project to compile the "Ten Best Censored Stories of 1977."

They can help the public learn more about what is happening in its society by nominating stories they feel should have received more coverage in the mass media.

The story should be current and of national social significance. It may have received no media attention at all, appeared in the back pages of a newspaper, or in a small circulation magazine.

Last year's national panel of judges, including Ben Bagdikian, Dr. Noam Chomsky, Robert Cirino, Nicholas Johnson, Victor Marchetti, Dr. Jack L. Nelson, Jerry terHorst, and Sheila Ross Weidenfeld, selected Jimmy Carter's little-known relationship with David Rockefeller's Trilateral Commission as the "best censored story of 1976."

To nominate a "best censored story of 1977," just send information about the story, or a copy of the story if available, including the source, address, and date, to Dr. Carl Jensen, Project Censored, Department of Sociology, Sonoma State College, Rohnert Park, California 94928.

Carl Jensen Sonoma State College Rohnert Park, California

PANAMA DESK

This will soon be, as *The New Republic* has called it, Panama Canal season. And MORE is planning to review the weather reports. In order to keep track of a wide range of media coverage of the public debate and Senate ratification hearings, we are asking our readers to send us news clips, transcripts of broadcasts, or comments on coverage they have seen. We are interested in accuracy, fairness, and sophistication of coverage (and in the attempts of special interests to influence these).

Send what you've got to the Panama Desk at MORE.



Please enter my subscription immediately.

☐ \$12 for 1 year (12 issues)

□ \$21 for 2 years (24 issues) ☐ \$30 for 3 years (36 issues)

New ☐ Renewal (attach label)

□ Bill me

Name

Address

Add \$2.00 per year for postage outside U.S. and Canada. Please allow 4 to 6 weeks for delivery of first issue.



Please enter my subscription immediately.

New ☐ \$30 for 3 years (36 issues) Renewal (attach label)

☐ \$21 for 2 years (24 issues) ☐ \$12 for 1 year (12 issues)

□ Bill me

Name

City Address State ZIP

Add \$2.00 per year for postage outside U.S. and Canada. Please allow 4 to 6 weeks for delivery of first issue.

FIRST CLASS Permit No. 55919 New York, N.Y.

BUSINESS REPLY MAIL

No Postage Stamp Necessary if Mailed in the United Sates

Postage will be paid by

P.O. Box 955 Farmingdale, N.Y. 11737 FIRST CLASS Permit No. 55919 New York, N.Y.

BUSINESS REPLY MAIL

No Postage Stamp Necessary if Mailed in the United States

Postage will be paid by



P.O. Box 955 Farmingdale, N.Y. 11737







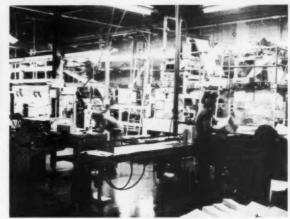








THE GREATER LOS ANGELES PRESS CLUB





More than just a passing fantasy.



LARRY FLYNT PUBLICATIONS, INC.

40 West Gay Street Columbus, Ohio 43215

HUSTLER Magazine • CHIC Magazine • OHIO Magazine • H & F Realty MCA Advertising • Flynt Distributing Company • Leasure Time Products

HELLBOX

EDITED BY STEVE ROBINSON

'60 MINUTES' VS. W YOMING

Corruption Report Angers Rock Springs Mayor; Draws Fire From 'New Yorker' TV Critic

Michael Abramson



CBS News Photo



New Yorker's Michael Arlen (left) attacked 60 Minutes's Dan Rather for his "guard-dog mentality."

It's hardly cause for great surprise when CBS's 60 Minutes steps on some toes. But when TV journalism's enfant terrible is itself attacked—in this case by The New Yorker's TV critic, Michael Arlen—the results can be quite unusual.

In late October, 60 Minutes aired a two-part series on official corruption in Wyoming, reported by Dan Rather. The first broadcast focused on the town of Rock Springs and offered hidden-camera views of prostitutes plying their trade on the streets of the town with little interference from the local police. The second episode, entitled "High Noon in Cheyenne," made bold charges against the Wyoming State Democratic Chairman. Don Anselmi, and Governor Ed Herschler. Rather interviewed Neil Compton, the

former head of the state's criminal investigation unit, who claimed he had been fired by Governor Herschler after he had "brought to his attention that the attorney general for the state of Wyoming was a crook."

In the November 28 issue of The New Yorker, TV critic Michael Arlen blasted the Wyoming series as part of a "growing tendency to let prosecutorial indignation do the work of investigative reporting." He then offered information that he claims casts doubt on many of Rather's allegations. "I have no doubt that all kinds of wickedness exist in Wyoming... But, unfortunately, the accusations that Rather made he hardly ever proved," Arlen wrote.

Arlen chided Rather for the "sanctimonious" tone in which he expressed his shock

that prostitutes were working the streets of Rock Springs. And he criticized 60 Minutes for putting too much faith in Compton, who, he noted, "was at the least a highly controversial figure."

Arlen's own subsequent research turned up public information—none of which Rather presented—that, he says, refutes many of the show's charges. "The fact remains," Arlen wrote, "that, whatever the real situation in Wyoming might be, Rather's 'case' before the TV audience consisted almost entirely of style, with little reportorial substance to back it up."

CBS counterattacked with a letter to The New Yorker editor William Shawn from the show's producer, Paul Lowenwarter. Lowenwarter's letter pointed out that Arlen had no real knowledge of the situation in Wyoming and dealt with Arlen's assertions that CBS had erred in its facts. The letter also emphasized that Arlen spends his summers on his father-in-law's Wyoming ranch and is a friend of lawyer Gerald Spence, who represents both Herschler and Anselmi.

CBS attorneys have advised 60 Minutes personnel not to discuss factual details of the Wyoming segments, pending a decision by the FCC on whether to grant Rock Springs officials an opportunity to respond to 60 Minutes under the

fairness doctrine. (Rock Springs Mayor Paul Wataha and the city council petitioned the FCC shortly after the show was aired.) CBS has requested that *The New Yorker* not print the Lowenwarter letter because of the pending FCC decision.

Arlen's piece was reprinted in several Wyoming newspapers, including the Rock Springs Rocket-Miner, and was the subject of an editorial by William Luzmoor, Vice President and General Manager of radio station KRKK. Luzmoor accused Arlen of having "more than a passing interest in Wyoming," cited his friendship with Spence, and claimed that Arlen met with Spence in New York before writing the article.

But Luzmoor is hardly a disinterested party. Lowenwarter received background for the Rock Springs segment from Luzmoor, who has frequently attacked the Anselmi brothers in his editorials. Luzmoor says he was threatened by Anselmi in a Casper motel parking lot and has been hurt by the loss of advertising revenue from Anselmi business interests.

"I was pleased with the first segment," says KRKK's Luzmoor, "but I was disappointed in the second one. They didn't back up many of their facts."

Luzmoor, who is scheduled to testify before a grand jury investigating corruption in Wyoming, says, "The Arlen piece was not a bad piece of criticism, but I think he was put up to it."

I find the response [to his article] childish," Arlen says. "I didn't question Rather's motives. I don't know why they are impugning mine." Arlen refers to charges that he was in collusion with lawyer Spence as "ridiculous."

"The burden of my critique concerned shoddy reporting," he says, "and while CBS had access to a great deal of privileged information, the facts I presented were public record. I didn't need to get anything from Spence."

Says Rather: "Sure, Arlen saw public documents, but he

CAMERA RUSE?

Sygma Photo News seems to have hit the jackpot with this photograph, which allegedly shows the brutal execution of a Cambodian peasant at the hands of Khmer Rouge soldiers. The New York office of Sygma reports that sales of the photo have brought in over \$20,000, with the latest windfall coming courtesy of Time magazine, which ran the photo in its November 21 issue. Sources at Sygma say Time could have paid as much as \$6,000 for the series of shots from which this one was chosen. But, while catching an execution in the act may be a photo editor's dream, there is a strong probability that the photo, which has also appeared in The Washington Post (April 8, 1977), and in Paris Match and Stern (in April 1976), was staged.

Time ran the photo with this caption: "How the new government goes about the 'elimination of contradictions.' "But the Post's Bangkok correspondent, Lou Simons, says, "The consensus among diplomatic sources was that the photos were staged"—presumably as an effort to promote a red scare on the eve of Thailand's general election. "Actually," says Simons, "I was very surprised that my newspaper ran the photos."

The Bangkok Post, no friend of the Cambodian government, first raised doubts about the photo's authenticity on April 19, 1976. Even Sygma—as it eagerly peddles the photo to more clients (Newsweek has put in the latest bid)—admits that it could be bogus. Eliane Laffont of Sygma, who says she got the photos from a man in Paris who claimed to be a Cambodian refugee,



says, "I told Time that the photograph might be a propaganda plant. The man who came to see me really looked like a refugee. He was quite charming, had a lot of problems, and needed money badly."

Laffont says it is her impression that "Time did an extensive investigation" before running the photo. But that, apparently, is not the case. Marvin Zim, publicity manager at Time, says, "Sygma is a respected agency. In this business you have to rely on your sources."

—Douglas Zoloth Foster

put them through Gerry 'won't accept the facts and we Spence's filter." are not going to contact them.

Arlen says 60 Minutes's eagerness to find guilt and corruption is part of a "guard-dog mentality—they'll attack anything that moves. They are getting too drama conscious. One of the problems is that they need material, and once they commit themselves to a story it's tough to back out."

Meanwhile, sources at the FCC give Rock Springs little chance of forcing CBS to grant time to respond. The agency's response to Mayor Paul Wataha's letter stated, "Although you have characterized the 'Rock Springs' segment of 60 Minutes as 'distorted,' you have not provided any specific information on the viewpoints presented on the program, nor have you provided the Commission with any extrinsic evidence of deliberate distortion." The FCC was also not convinced that the show "constituted one side of a controversial issue of public importance.... Wataha was urged to contact CBS directly.

Wataha says the network

"won't accept the facts and we are not going to contact them. The whole thing was a fabrication, full of exaggeration and untruths." He says he may sue, "even if they give me time to respond."

While the show may eventually give CBS a legal headache, Luzmoor points out that it has already done some good. The grand jury has returned several indictments—albeit for minor crimes—and "they drew attention to something that is definitely a problem." As for the town of Rock Springs, Luzmoor says, "You hardly ever see any girls walking the streets since the show was aired."

NOT SO INNOCENT

Victim Says NBC Show Spurred Sex Assault

In September 1974, a scene from an NBC television drama, *Born Innocent*, showed four teenage girls attacking another young woman in the shower

room of a girls' reformatory. The attackers wrestled their victim to the floor, forced her legs apart, and appeared to repeatedly thrust the long handle of a "plumber's helper" into the younger girl's vagina.

Three days after the film was shown on national TV, four teenagers attacked a nine-year-old girl on Baker's Beach in San Francisco and repeatedly thrust a Coke bottle into her vagina. When questioned by police after she was arrested, the 15-year-old girl who led the attack she "got the idea" for the assault from Born Innocent which she had seen just a few nights before.

Three weeks later, San Francisco attorney Marvin Lewis sued NBC and its local affiliate, KRON-TV, for \$11 million on behalf of the victim, charging that the network had been "negligent" in showing the film at 7:30 p.m. when children were likely to be watching. Lewis also contended that by the way it advertised the film and by scheduling it soon after The Wonderful World of Walt Disney, NBC had deliberately sought a youthful audience.

The network, through Los Angeles attorney Anthony Liebig, responded that Born Innocent, as a work of art, was constitutionally protected. To allow a suit, he told the court, would be "directly contrary to virtually every principle of First Amendment jurisprudence and would have disastrous ramifications upon First Amendment freedoms."

Superior Court Judge John Ertola agreed with NBC and dismissed the suit. Lewis, who has won a number of large negligence awards in the past, took the case to the California Court of Appeals, and, in October 1977, he prevailed.

"The freedom of speech guaranteed by the First Amendment is not, of course, absolute," the appeals court noted in its decision. "Certain narrowly limited classes of speech may be prevented or punished by the state consistent with the principles of the First Amendment," it said, citing obscenity, libel, slander, misrepresentation, perjury, false advertising, solicitation of crime, and conspiracy as unprotected classes of speech.

HELLBOX

NBC has petitioned the California Supreme Court for a hearing. CBS, the California Broadcasters Association, the Writers Guild of America West, and the American Library Association have all entered the case in support of the network. The court is due to decide whether to hear the case this month. If they agree to hear it, a final decision will not be made for several months.

NBC Photo



Born Innocent's Linda Blair: Did TV show inspire assault?

Lewis contends that the First Amendment is not even an issue in his suit. "I'm not seeking to restrain NBC from showing the film," he says, "nor am I seeking to have the film declared obscene. We're just saying that NBC was negligent in showing Born Innocent when children were likely to see it and negligent in seeking a youthful audience in its scheduling and advertising." (In TV Guide, an ad for Born Innocent ran directly under an ad for Born Free.)

NBC has shown the film, which features Linda Blair, star of *The Exorcist*, twice since the suit was filed, both times after 11 p.m.

The California Medical Association has also entered the case—but in support of the young girl. "The health and welfare of our society demand

that broadcasters be accountable for their programming," the CMA asserted.

Liebig, representing NBC, says that not only did the appeals court decision appear to violate a basic tenet of the U.S. Constitution, but, if it were upheld, it would make it virtually impossible to make films, or publish books, newspapers, or magazines.

This wouldn't affect just television," he says. "Suppose a newspaper carries a story of an axe murder, and some nut goes out and commits another one, and claims he got the idea from the newspaper story. If this decision is upheld, then the relatives of the second victim would be able to sue the paper.

"Every time someone was injured, they would sue a network, a book publisher, a newspaper, or a magazine. The courts would be overflowing with those kinds of suits. How would anyone write or publish?"

-ART GOLDBERG

JUNK NEWS

McDonald's Offers Placemat Journalism

The folks at McDonald's who "do it all for you" may soon be doing the daily news in metropolitan New York. Four Manhattan franchises are already serving up a morning edition of McDonald's New York Report along with the Egg McMuffin. And if this threeweek pilot program, which was launched January 3, scores with the breakfast crowd, it will be extended to stores throughout the tri-state area.

Printed on colorful paper tray liners, the New York Report offers capsule coverage of national, international, and local events plus sports news and the weather forecast. The Saturday and Sunday edition features weekend entertainment and leisure activities.

The news of the world on a

CHECK IT OUT

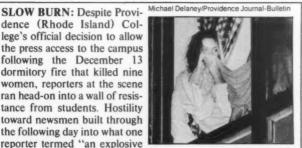
PYRAMID SCHEME: Impressed by the debonair television manner of Anwar el-Sadat? In part, the Egyptian president owes his smooth relations with the press to two former White House media figures. Gerald Warren, former deputy press secretary to Richard Nixon and now editor of the San Diego Union, and Simone Poulain, an assistant press secretary to Lady Bird Johnson, travelled to Egypt last summer to help Sadat set up an American-style press office. Marshall Berge, director of the State Department's Bureau of Educational and Cultural Affairs for the Near East and South Asia, says Sadat contacted the State Department to ask for expert media advice and specifically requested Warren and Poulain. The pair, at the U.S. government's expense, helped Sadat learn how to brief the press in both domestic and international situations. Learning to finesse the Western press "certainly was part of it," according to Berge.

DOUBLE JEOPARDY: "Justice is cruel and harsh," wrote Herman J. Obermayer, editor and publisher of the Northern Virginia Sun, in a December editorial announcing his decision to print the names, ages, and addresses of rape victims. The editorial has enraged women's groups, prosecutors, police, and subscribers. Obermayer has yet to print the name of a rape victim. He says he will only go through with it when a complaint actually goes to trial. Eleanor Smeal, president of the National Organization of Women, calls Obermayer's decision "a weird interpretation of justice." Explains Obermayer, "I don't feel there are any rape victims until a man has been convicted."

VANITY UNFAIR: Vantage Press, one of the largest subsidy, or "vanity" publishing houses in the country, is facing a \$20 million class-action lawsuit filed by a disgruntled client. Frank Stellema, whose book Oh Kim, My Son! My Son! was published by Vantage in 1975, is suing on behalf of an estimated 2,400 to 3,600 writers. Stellema's complaint alleges that Vantage-whose clients pay as much as \$8,000 to have their works published—is deceptive in presenting itself as a legitimate publisher and, in fact, does nothing to promote sales after the initial printing. Other Vantage authors agree with many of Stellema's charges. Elly Lupinska-Rossiliano, whose My Sins was published in December 1976, claims her book was distributed to exactly three stores-all around her home in Jamaica Hills, New York. For promotion, Lupinska-Rossiliano reports that Vantage shelled out \$100 for ads in local Polish papers. She paid the vanity press \$4,950 to publish her book. Vantage Vice President Martin Littlefield says, "There isn't a shred of truth to the charges."

PROTECTING THE YOUNG: More than 60 high school newspapers in the Washington, D.C. area have refused to accept an advertisement from a local gay bookstore. Only two papers carried the ad from the Lambda Rising Bookstore, which also invited readers to attend meetings of a gay youth group. Now, even the editors of the two papers that ran the ad—Paint Branch High School's Main Stream and Charles Woodward's Advocate—aren't sure they did the right thing. "I don't want the paper to go down or lose advertising as a result," says Main Stream's Eddy Atwell. Anne Shaughnessy, co-editor of the Advocate, says, "We don't want to alienate the majority of our readers." At Langley High School, the staff of the Saxon Scope wanted to run the ad but was overruled by faculty advisor Hud Clark, who said it would be "endorsing the activity."

dence (Rhode Island) College's official decision to allow the press access to the campus following the December 13 dormitory fire that killed nine women, reporters at the scene ran head-on into a wall of resistance from students. Hostility toward newsmen built through the following day into what one reporter termed "an explosive



atmosphere." Larry Upton, of WTEV-TV in Providence, says he was physically threatened when he tried to enter the school chapel with his camera, and Ron Gulliban, of Boston's WVCD-TV, says, "Students just turned away from us with expressions of disgust, as if we were lepers." Students counter that the campus was in a state of shock and that everyone was simply too upset to talk about the fire. "The last thing we wanted to see at the time," says senior John Condon, "was a lot of photographers sticking cameras into every corner."

MORTGAGING THE NEWS?: The Economic News Broadcasters Association is starting out with a loan of \$3,000 from the Mortgage Bankers Association, and that's made a number of business reporters more than a bit uneasy. NBC's Irving R. Levine says he decided not to join because the ENBA "should be independent. It should avoid all suspicion." Gordon Williams, WCBS News correspondent and senior editor of Business Week, says he declined membership because of "obvious questions about conflict of interest." Dan Cordtz, ABC-TV economics editor, who is president of the group, admits that it was a serious mistake to send out announcements about ENBA on Mortgage Bankers stationery because "it got people who were moral and holy very upset."

FAINT PRAISE: In a "tribute" to Alan L. Bingham, the general manager of the Alameda-Contra Costa Transit District who died on January 3, the San Francisco Examiner had this to say: "Not unlike Mussolini, Alan Bingham made the buses run on time." In the paper's late editions, the line was changed to, "Alan L. Bingham achieved that rarity in public transit. He made the buses run on time." Says City Editor Jim Willsy, "It was an unfortunate comparison.'

BEATING A DEAD METAPHOR: It's gotten out of hand. Cartoonist Herblock captioned his December 30 cartoon depicting the possible revival of the B-1 bomber, "Close Encounter for the Third Time." The Chicago Tribune's Wayne Stayskal had a cartoon on the same day illustrating a head-on collision with a drunken driver, titled, "Close Encounters of the 'Fifth' Kind." The New York Daily News hyped a recent music awards show as "A Music Encounter of the Best Kind." Esquire's Christmas cards carried the message, "Claus Encounters of the Third Kind." Gimbels department store in New York took out an ad headlined, "Clothes Encounters of the Foremost Kind." And the January 16 issue of Time featured photos of Bronco quarterback Craig Morton and Cowboy quarterback Roger Staubach, noting in a caption that the two were "in a close encounter for the Super Bowl title."

Contributors: Kevin Berrill, Jim Dawson, Sheryl Fragin, Marguerite Karter, Jeff Nicholas, Wendy Severinghaus, Janet Skidmore,

plastic tray is just another indication of McDonald's "deep commitment to community service," explains the company's public relations firm.

The force behind the news at the Golden Arches is 30-yearold Peter Funt (son of Candid Camera's Allen Funt), a former ABC radio reporter, whose publishing company, Newsmat, produces the New York Report Just 14 months old. Newsmat also publishes a noonday newspaper-placemat, with a circulation of 20,000, for coffee shops and restaurants in Westchester County.

Looking for a way to boost their breakfast business-they had already tried giving away the New York dailies with no impact on profits-The Mc-Donald's franchises happened upon a copy of Newsmat and signed its publisher to a contract that may mean a half million mats per day, with four local editions.

Funt, who is both writer and editor of the McDonald's Report, designed its format, coined its name, holds its copyright, and maintains total control over the selection and presentation of its news con-

"I take journalism too seriously to tolerate any phonying up or cutesyness in reporting the news," he says.

Placemat journalism, Funt maintains, is a game of winning through non-intimidation. His Westchester readers have reported that they find the news easier to understand and more inviting when it is neatly summarized and tucked beneath their morning Danish instead of arrayed in towering columns on the front page.

"It would be a gross mistake if newsmats took the place of the daily newspapers," Funt says. "Our value simply lies in getting people's attention. We're like billboards."

Adds Funt, "People wonder about the trend. They ask me, 'If a placemat can carry the news today, will a napkin do the job tomorrow, and a straw next week? Will the thumbnail sketch become a realityliterally?' The answer is no. Newsmat and the McDonald's Report are just new ways of capitalizing on a captive audience-and in a way that profits them too."

-MARY BYRNES

MERGER

Scripps Says 'Post' Is Failing Newspaper

Few newspaper chains willingly seek competition, but the E. W. Scripps Co. seems to hold some sort of record for turning tail.

Scripps owns 17 daily newspapers, but only three of them go head-to-head with another daily. Now Scripps is pressing the Justice Department for permission to merge one of those three-the afternoon Cincinnati Post-with its morning competitor and end newspaper competition in Cincinnati. If Scripps succeeds—and that depends on what Attorney General Griffin Bell decides in the next few weeks-the number of cities in the United States with competing dailies will drop to a mere 29.

Scripps maintains that the Post is a failing newspaper. It now competes with the Cincinnati Enquirer, owned by Combined Communications Corp. (which recently purchased the Oakland Tribune). Both papers have about the same circulation-190,000. But the Enquirer has the Sunday franchise and the morning market and is a healthy paper. The Post, according to Scripps, has lost money steadily since 1970, bottoming out in 1974 when it lost nearly \$4 million. The estimated loss for 1977 is just over \$1 million.

To keep the Post alive, Scripps wants to form a joint operating agreement with the Enquirer, in which only the editorial staffs of the two papers would remain independent. All business, circulation, and printing functions would

HELLBOX

be merged under the direction of the stronger *Enquirer*, which is also eager to press ahead with the arrangement. Business costs would be cut, jobs eliminated, advertisers squeezed (since they would have only one entity with which to deal), and profits guaranteed to both papers. It would also make it nearly impossible for another daily to start in the Cincinnati market.

Scripps is an old hand at this sort of thing. Seven of its 17 papers are already parties to joint operating agreements in such cities as Birmingham, El Paso, and Pittsburgh.

Since these tidy agreements have antitrust implications, a special act of Congress-the Newspaper Preservation Act of 1970-was required to make them legal and to overcome Supreme Court objections. Twenty-three such combinations, involving 46 papers, now exist, although only one of the 23-in Anchorage, Alaskahas been formed since 1970. The Attorney General must approve all requests for new agreements, and only newspapers deemed to be failing can qualify.

Scripps first announced its intentions on September 28, 1977, and a number of groups in Cincinnati quickly filed complaints with the Justice Department. The Newspaper Guild and the International Typographical Union say they will lose more than 300 members if the merger is permitted. A group of suburban newspapers around Cincinnati charges they will be less able to get advertising revenue once the two big dailies can act in concert to provide special combined rates. According to the papers filed with the Justice Department, these opponents believe that the Post is not failing, and therefore not eligible for indulgence under the Newspaper Preservation Act. They are also outraged that Scripps is

unwilling to offer the *Post* for sale to a group which might run it independently. Scripps doesn't want the paper to collapse, but won't let it go either.

Defining a failing newspaper is not easy. Opponents of the joint operating agreement charge that Scripps may have been loading other chain expenses onto the Post's books to depress profitability. They note, in their complaints, that the Post started a Sunday shopper in 1977 that quickly lost \$338,706-a loss that makes the 1977 balance sheet bloodier than necessary. The union and the suburban papers also complain that the Post has not followed the Enquirer's recent lead and raised its newsstand and subscription prices. In the past, the papers have usually moved together in pricing policy. Finally, the critics point out, even if the Post is losing money, it is losing much less now than three years ago. indicating that the paper, with good management, could turn the corner.

Joint operation is attractive enough to Scripps that the company has preferred dealing with Justice to putting the paper on the block. As Scripps counsel Sherman Dye points out, "It would not be fair . . . to require the paper to be sold at a bargain price to someone who . . . enters into a joint operating arrangement himself." Apparently, if there is to be such a monopolistic arrangement, Scripps wants to own half of it.

Thus far the opponents have met with success. On December 28, Assistant Attorney General John H. Shenefield recommended to Attorney General Bell that he hold a public hearing on these knotty issues before deciding on the Post-Enquirer request.

Should Bell permit formation of the 24th joint agreement, the only two remaining competitive papers in the Scripps chain—the Cleveland Press and the Rocky Mountain (Denver) News—can start counting the days.

-DAVID M. RUBIN

NO PRYOR KNOWLEDGE

"Is Richard Pryor . . . a man at peace at last?" asks Ebony magazine in its January cover story. Well, Pryor seemed to think so when he sat for an interview with writer Louie Robinson several months ago. "We're going to be very happy together a long time," said Pryor of his new wife and smiling covermate, Deboragh McGuire. "There are many facets and stages to Richard," said Deboragh. "I think I know each of his little roles. It keeps you on your feet." At the very least. On New Year's Day, Pryor



allegedly fired a pistol at his wife and two of her friends at the actor's Northridge, California home. The women filed a complaint charging that Pryor, among other things, chased their car with his Mercedes-Benz as they tried to escape and rammed it five or six times. Pryor later turned himself in to the police and was released on \$5,000 bail. "Anything can happen with newlyweds," laments Ebony Managing Editor Hans Massaquoi. But writer Robinson was careful to cover his bets. "Peace... like happinesss," he wrote, "is a sometime thing." —Joyce Wells

FARE ADVICE?

Conflict At 'Tribune' Over Cab Scandal Story

Every journalist in Chicago knows *Tribune* lawyer Don Reuben: favorably, as a brilliant libel lawyer and a preeminent mechanic for First Amendment issues; and, unfavorably, as Mr. Fixit behind the closed doors of his offices at the firm of Kirkland & Ellis.

Now, Chicago has had a new look at Reuben. In November, WBBM-TV political commentator and anchorman Walt Jacobson broke an explosive story about taxicab rates, involving an alleged attempt by Chicago's Mayor Michael Bilandic to "grease the skids" for higher Yellow-Checker fares. The story was based on a detailed memo written by Taxi Commissioner Jane Byrne and may lead to Federal indictments.

Attorney Reuben—who also represents Yellow-Checker—

was mentioned in the memo: "The final request [made] of Reuben was that he get hold of his people at the *Tribune* and kill any adverse publicity."

Within hours of Jacobson's expose, a curious report leaked out of the Tribune city room: reporters. William Griffin and William Mullen had had the very same memo since August. They worked on the story under the supervision of Tribune City Editor Bernard Judge, Managing News Editor William Jones, and Managing Editor Maxwell McCrohon. To date, the story has not appeared in the Tribune. The paper's editors say they decided not to run the story because Jane Byrne would not agree to let herself be identified as the source, not because of Reuben's involvement with the paper.

Within 48 hours of broadcaster Jacobson's report, it was learned that Reuben had previously discussed the taxi rate increases with *Tribune* Editor Clayton Kirkpatrick, According to Kirkpatrick, Reuben told him that he didn't like Mike Royko's *Chicago Daily News* stories, which questioned the fare hikes, even though Royko had never seen the Byrne memo. Royko's pieces appeared in the days immediately prior to Jacobson's revelations about how the increase came about. Kirkpatrick says he doesn't think his conversation with Reuben was improper.

On November 20, a story in the Tribune conceded that Managing Editor Max McCrohon also had discussed the issue with Reuben while the abortive Tribune investigation was in progress. The conversation had occurred while the editors were deciding whether or not to spike the story. McCrohon denies Reuben influenced his judgment. The November 20 story, written by Ray Moseley, and an accompanying editorial in the "Perspective" section, did its best to exonerate the Tribune in the taxi scandal and concluded that the paper had behaved flawlessly.

But not everybody at the Tribune was convinced. At a subsequent staff meeting, reporter Griffin, who defended his paper's decision to hold the taxi story until Byrne went public with her memo, nevertheless told editor McCrohon that Reuben's continued association with the Tribune was "unfair to the credibility" of the staff. At the meeting, according to Griffin, McCrohon stated that the question of keeping Reuben as Tribune lawyer "was being given attention on another level.'

Apparently, Reuben will keep his retainer for a while. Kirkpatrick says that Reuben "didn't try to kill a story or try to influence anybody."

But some questions remain. One is about the "chilling effect" Reuben may have had on the performance of *Tribune* reporters and editors. Griffin, for one, says he was "very concerned as soon as I saw Reuben's name in the memo." There are also questions about the propriety of Reuben expressing value judgments about Royko's taxi stories to

the Tribune editor.

Other Chicago reporters wonder why, if the *Tribune* is so proud of its journalistic conduct, it went out of its way to defend its decision not to publish the taxi expose, and to find reasons *not* to publish hard, substantiated, news.

Chicago Sun-Times



Did the Tribune pull its punches for attorney Don Reuben?

"We don't think what happened here indicated any improper action by Reuben as far as relations between him and the *Tribune* are concerned," Kirkpatrick says. Reuben chose to respond, through Philip Krone, a public relations man for Yellow-Checker, that he would have nothing at all to say about the entire affair.

-BRIAN D. BOYER

BULLDOG EDITIONS

Yale Search Spawns Battle For Scoops

Now and then the rivalry between The New York Times and The Washington Post resembles nothing so much as George and Martha playing Get the Guest in Albee's Who's Afraid of Virginia Woolf?—as Yale University discovered recently.

The *Times* lavished no less than 12 news stories (two on the front page) and two editorials on the school's

search for a new president during late November and December; the *Post* devoted one editorial to the quest and put the story on page one three times.

The jockeying began last April when Kingman Brewster resigned the presidency to become U.S. Ambassador to Great Britain. The Times and Post, along with the two newsmagazines and the New Haven newspapers, speculated about a successor. As the search intensified in December, the Times sent reporters scurrying back and forth between New York, New Haven, and Washington. Both papers competed "like they were chasing some Watergate story," as one calmer Time correspondent put it.

The *Post* scored the first scoop on December 16, when education writer Bill Peterson revealed, in a front-page story, that Harvard Dean Henry Rosovsky had turned down the Yale job, and that two other candidates had done the same.

The *Times* played down the Rosovsky rejection in a short account in the second section and made no mention of the two others who reportedly turned down the job—FDA head Donald Kennedy and John Evans, president of the University of Toronto. Both Yale and the *Times* maintain that only Rosovsky was offered the job, but Peterson stands by his story.

The Times countered during the final round of search committee interviews by sending education editor Edward Fiske to New Haven to help full-time Connecticut reporter, Diane Henry. Henry was being pressed into such investigative sorties as telephoning likely candidates and reporting in a December 18 Times article that "A. Bartlett Giamatti was watching a football game... William Muir, a Berkeley professor of political science, was Christmas shopping in California." The next day, on a shrewd hunch, she staked out Giamatti's house and saw a delegation headed by search committee chairman William Bundy. Reasoning that "Bundy doesn't just stop in for cocktails," Henry says, she wrote a story for the *Times* naming Giamatti as the likely 18th president of Yale—a full day before the official announcement.

"It was keyhole journalism," says a disgusted Bundy. "They made silly asses of themselves just so they could keep up their scorecards. There's an institutional rivalry between the *Times* and the *Post* and a personal rivalry between [*Post* Executive Editor Ben] Bradlee and [*Times* Executive Editor A. M.] Rosenthal... It wasn't that important a story, but getting there first became more important than the national impact of the story itself"

Yale compounded its problems by attempting to shroud the search in secrecy, pushing the press to even greater excesses. The search committee burned its notes after meetings, made reporters wait outside in the New Haven cold, and even refused to divulge where some meetings were being held, or who was being interviewed.

Given that Yale's loss of all-East running back John Pagliaro was probably of more interest to more readers than the presidential search, why all the attention? Says the *Times*'s Fiske, "Abe Rosenthal was interested, [Metropolitan Editor] Sydney Schanberg was interested, and there are a lot of Yale alumni among *Times* readers."

The Post's Peterson is more pointed about his paper's coverage, which ran under such heads as "Yale's Hush-Hush Hunt..." "Everybody likes to read a story about an elitist institution being embarrassed," Peterson says. "From our point of view, playing the stories in the last week had a lot to do with the fact that we were beating the Times. To brandish the axe at Yale and beat the Times at the same time, that's a good story for us."

-BARBARA DEMICK

SALT TALKS: LEAKING TOWARD ARMAGEDDON?

Hawks, Who Once Defended Secrecy, Now Disclosing Details Of Arms Negotiations

Deciding the future of the world in a fishbowl.

BY ROBERT G. KAISER

The Strategic Arms Limitation Talks are certainly the most sensitive of international negotiations, yet in the past few months they have also become the most open. In October, a detailed account of the emerging shape of the next SALT agreements appeared in *The New York Times*, as thorough a leak regarding ongoing international negotiations of this kind as has ever been printed. And there have been more leaks since.

There seem to be no precedents for this. The *Times* and *The Washington Post* published SALT leaks during the first Nixon administration, but they contained only isolated pieces of hard information, or generalized statements of Soviet and American bargaining positions. This time we have seen all the key numbers, particularly numbers of different kinds of weapons to be permitted to each side. Nixon sent the Plumbers to track down SALT leaks but, so far, Carter has turned the other cheek.

For spectators of the news business, this episode has been intriguing. A few interested reporters have now become participants in the arcane SALT process. Hawks who once bemoaned leaks have become leakers themselves. Doves have used published leaks to try to undercut the hawks, a reversal of traditional roles.

Because of leaks to the press, the public debate over SALT II—as this round of the negotiations is called—has begun months before any agreement actually can be signed with the Soviet Union.

The Offensive Arms Race

Of all the United States' diplomatic initiatives in recent times, only Kissinger's elaborate efforts to find a negotiated way out of Vietnam match the SALT process in complexity. Lyndon B. Johnson tried unsuccessfully to get SALT going in 1968. Nixon and Kissinger succeeded in 1969. The first treaty was significant primarily because it bound both superpowers to accept a status of mutual vulnerability to the other's strategic weapons. It did this by banning Anti-Ballistic Missiles (ABM's), at that time the only known possible defense against intercontinental rockets armed with hydrogen weapons. The first SALT agreements also



Secretary of State Cyrus Vance meets with Soviet Foreign Minister Andrei

included an "interim" agreement on offensive weapons, to last five years, limiting both sides to certain numbers of land-based and submarine-based missiles and long-range bombers.

Under SALT I, the Soviet Union was permitted more offensive missiles than the United States, on the theory that American technology—particularly multiple-warhead technology—gave the U.S. an advantage that the Soviets could only compensate for with larger overall numbers of rockets. But when the Senate approved that agreement, it also passed a resolution calling on future SALT negotiators to make sure that the next agreement included equal numbers of offensive missiles on both sides.

SALT I did little, if anything, to slow down the offensive arms

Robert G. Kaiser covers the Senate for The Washington Post, including the debate over SALT.

race. Soviet development programs have proceeded at a rapid pace, and the U.S.S.R. has developed an entire new arsenal of rockets since SALT I was signed in 1972. The Russians have also largely closed the gap in multiple warheads by developing their own MIRV's (Multiple Independently Targetable Reentry Vehicles), wonder weapons that can deliver from three to a dozen or more atomic warheads to individual targets from a single rocket launcher.

While the Soviets conducted their improvement programs, the United States developed and began to build a new long-range submarine and submarine missile system called Trident. The U.S. continued to deploy more and more MIRV's, began planning a new, mobile, land-based missile called MX, and developed, then abandoned, the B-1 bomber. Most important, the U.S. developed an entirely new weapon, the cruise missile, an unmanned drone.

Kissinger thought SALT II should result in some concrete limits on the offensive arms race that would measurably slow it down. Carter's first instinct, articulated last winter, was to seek actual reductions in both countries' arsenals. Carter sent his Secretary of State, Cyrus Vance, to Moscow last March with a new set of proposals. With unprecedented openness, Carter

Gromyko last May in Geneva to discuss strategic arms limitation.

explained his ideas publicly, before the Soviets even had a chance to consider them.

Ford and Leonid Brezhnev, the Soviet leader, had come within a whisker of a SALT II agreement after their summit meeting at Vladivostok. There, they agreed that both countries should be permitted 2400 intercontinental missiles and bombers, 1320 of which could have multiple warheads. Carter said he thought those numbers were too high and proposed "deep cuts" in the 2400 level. He also proposed specific controls on the Soviets' biggest missiles, which can deliver much heavier payloads to U.S. targets than any American rocket can deliver against the U.S.S.R. (In previous years, the Pentagon had deliberately chosen smaller, more accurate missiles.)

If the Russians didn't like that idea, Carter said, then they should quickly agree to the Vladivostok formula and begin negotiations on SALT III. In that case, though, Carter added, there could be no limitations on the new cruise missile.

But the Soviets were worried about cruise missiles. They promise to be among the most ingenious gadgets the weapons inventors have ever come up with. They fly like jet airplanes, at relatively low altitudes, with a sophisticated guidance system that can ''read'' the topography of the earth using an onboard computer system. Because they fly so low, they are almost undetectable by radar, and their guidance system makes them extremely accurate. This technology appears to be well beyond the Soviets' present capabilities.

The Soviet leaders bluntly rejected the March proposals, but, within weeks, both countries were again bargaining on SALT. Apparently, the Russians were concerned last spring that Carter was setting off in a hostile direction, both in SALT and in his human rights offensive. By late summer, though, they had been reassured. In September, Andrei Gromyko, the foreign minister, came to Washington for talks with Carter, and they made considerable progress on SALT. By early October, the shape of a new agreement was emerging. Then, on October 11, details of the new agreement appeared in an article by Richard Burt in *The New York Times*.

The First Leaks

According to Burt's story, the U.S. and the Soviet Union "made substantial concessions" in their bargaining positions, and had agreed on the broad outlines of a new pact. Both countries, Burt reported, had accepted overall limits on their offensive launchers of 2160 to 2250 each (a little lower than the Vladivostok limits). Of these, 1200 to 1250 could have MIRV's, and 800 to 850 could be land-based ICBM's. The Soviets would be limited to 308 of its large missiles (a number that was used in the SALT I agreements), and the U.S. would be permitted 120 airborne cruise missile launchers—that is, aircraft on which cruise missiles would be mounted. These cruise missiles would be limited to a maximum range of 1500 miles.

Strobe Talbott, *Time* magazine's diplomatic editor, had reported on the general outline of the new agreement in the issue of his magazine that went on sale October 4. But Talbott had none of the figures. (Talbott's story was underplayed by *Time*, probably because he had it first. The two newsmagazines notoriously underestimate the scoops of their own reporters, preferring the legitimation provided by a front-page story in *The New York Times* or *The Washington Post*.)

The hard figures provided by the *Times* caused a sensation within the tiny community of diplomats, officials, journalists, and non-governmental experts in Washington who follow SALT—"the SALT mafia" as its members sometimes call it

SALT—"the SALT mafia," as its members sometimes call it.

The leak was unprecedented. Suddenly, the entire mafia was cut in on what must have been considered a state secret of great delicacy by most of those who knew about it. This was heady stuff.

Richard Burt was a new man in the Washington bureau. He had been hired to replace Leslie Gelb, the *Times's* national security expert during the Nixon-Ford years. Gelb had taken a job as the Carter Administration's director of politico-military affairs in the State Department.

Burt was not a newspaper man, but rather an academic expert on strategic issues, particularly SALT. He came to the *Times* from the Institute for Strategic Studies in London, a think tank whose publications—often based on information provided by the CIA and other western intelligence agencies—included the best declassified statistics on the arms race. Burt had been assistant director of the ISS.

Burt says that in his years at ISS he had met many of the officials involved in SALT matters inside the Carter administration. Some of these had served in government under Nixon and Ford, others were outsiders who had participated in seminars attended by Burt. "A lot of people, when they started to deal with me in this town, didn't think of me as a journalist," Burt says, acknowledging that past relationships may have helped him in his new career as a reporter.

As he points out, he also had the time to work on the subject. Alone among American newspapers, the *Times* assigns one man to cover only national security affairs. The *Times* also has several reporters at the State Department and a man at the Pentagon.

Burt's October 11 story opened the door to SALT II. It was a de facto act of declassification for officials in Washington, all of whom felt much freer to talk about SALT now that the important figures and broad outlines of the new agreements were on the public record. Murrey Marder, The Washington Post's chief diplomatic correspondent, was able to confirm the accuracy of Burt's account the day it appeared. He published his own description of the new deal the next day, including a clearer description of the heart of the agreement-cruise missiles for the U.S., no new controls on "heavy" missiles for the Russians.

"Not Me"

Who leaked the story to Burt? "Not me" is the most common answer in Washington. There is no easy way to point at any logical source, either. Arguably, hawks in the bureaucracy, or among the Congressional staff who received briefings on the pact, leaked it in hopes of torpedoing the agreements on the assumption that Carter had strayed too



Paul H. Nitze (above), a SALT I delegate and hard-liner, revealed more details of bargaining positions after Times's Richard Burt (below) published first SALT leak.



far from his March proposals and would not have sufficient support for the new agreements. If this is what happened, a hawkish source or sources may have felt that the public outcry against the agreements would force Carter to renegotiate them before submitting the treaty to the Senate.

On the other hand, the leak could just as easily have come from the White House or moderate-to-dovish government officials who believed that the deal was a good one, and that it would answer complaints made during the sum-

mer that Carter didn't know how to handle the Russians. See, they might have been saying, we knew what we were doing, and we've made a reasonable agreement.

Burt declines to discuss his sources, naturally, but he does make a few observations. "I'm surprised at the degree to which people try to find Machiavellian political motives" for leaks, he says. "My own experience . . . is that it doesn't work that way. People would be surprised at who some of the original sources [of the October 11] story were."

In the best journalistic tradition. Burt insisted that he had to piece his story together from numerous sources and did not rely on a single leak-a Deep Silo, or something of the sort. This may well be true, although his final article suggests that, at some point during his inquiries, a well-placed source did go through the main points of the agreement with him. This seems to be the case because the story was so complete, apparently covering all the significant points of the SALT agreements with the Russians as of early October.

The Burt story is now a benchmark in discussions of

SALT II within the narrow circle of several hundred people in Washington who actively follow arms control matters. Revealingly, it is already remembered in distorted ways by participants in the SALT process. The emotional divisions between hawks and doves cannot be exaggeratedmembers of both camps tend to overstate the other's guile and influence. Senior administration officials involved in SALT recall that the first Burt story described the emerging agreements as the result of major concessions by the U.S. and modest concessions by the Soviet Union. In other words, Burt took his cue from hawks likely to oppose the agreements. In fact, though, Burt's original story sailed trimly between hawks and doves, describing the new agreements as the result of mutual concessions. This, Burt said later, was his personal conclusion.

The Nitze Leaks

Three weeks after the Burt story appeared, a leading spokesman for the hawks in Washington called a press conference to provide some new leaks. The spokesman was Paul H. Nitze, a member of the U.S. delegation to the SALT I talks, a disappointed office seeker in the Carter administration, and a hard-liner for more than a quarter century.

Nitze's press conference was called by the Committee on the Present Danger, a loose conglomeration of hawks and moderates mostly of the Cold War generation. The committee has been speaking out for more than a year on what it perceives as ominous trends in the Soviet-American military balance, arguing that Presidents Nixon, Ford, and now Carter, have not faced up to grave dangers. The committee's literature indicates that it would prefer no SALT agreement to the one now being negotiated.

Nitze added no startling revelations, but he did reveal bargaining positions of both countries on some key issues. He insisted that this was not classified information, saying it had come from official briefings given to people outside the government during the days immediately following the Burt story.

Nitze's leaks outraged some doves. One of the most effective, Jeremy Stone, director of the Federation of American Scientists, a pro-arms control group that has done effective lobbying, was particularly angry. Stone tried to get Murrey Marder and me (and perhaps some other reporters) to pursue the idea that Nitze had violated national security. Stone said he had heard the FBI was looking into the matter (a bad tip, as Stone quickly pointed out when he discovered it later).

Stone was upset that Nitze had described bargaining positions in the midst of delicate negotiations. This wasn't like the Pentagon Papers or some other post facto leak, he argued. Nitze's leaks could really disrupt the bargaining process.

This was an old argument, one not likely to win over many journalists. As one veteran Washington reporter put it, "Great powers that have a real interest in negotiating an agreement with each other are unlikely to be deterred by newspaper articles." No one wrote a story based on Stone's objections.

Was Nitze's leak a violation of national security? In some precise and theoretical way, it probably was. The information it contained almost certainly appeared in documents stamped "secret" or "top secret" by the government. But the meaning of those stamps has never been clear. What happens, for instance, if one official with "top secret" clearance tells another official with "top secret" clearance a "top secret" secret without warning him that the information is classified? And what if that second official passes on the information to a journalist? Indeed, there are dozens of ways that "classified" material reaches the public. Presidents sometimes release classified information at press conferences, for example.

Nitze acknowledged in an interview that some of what he revealed had come from briefings given to him and others by government officials in the days following the Burt story. "They were supposed to be off the record," Nitze says, "but goddamn it, it was for the education of the public and the people who care about these things."

Nitze's leak, though it caused a stir within the SALT mafia, was barely noticed by the press. The *Times* didn't cover it. The *Post* carried a short story.

The Evans And Novak Leak

During November and December, additional details of the negotiations continued to appear in print, but there were no startling new leaks. It appeared that there was little to add to the Burt story—the negotiators had not yet gotten very far ahead of the leakers.

But another sort of leak in early November caused an important atmospheric change within the SALT community. This was a column by Rowland Evans and Robert Novak published in The Washington Post on November 4, describing in their usual breathless style an appearance by Cyrus Vance before Senator Henry M. Jackson's subcommittee of the Armed Services Committee. The administration had previously agreed that Vance would brief the subcommittee regularly on SALT developments. Once a Senate subcommittee was in on the secrets, leaks were inevitable, in the view of many old SALT hands. Capitol Hill is traditionally regarded as a good source of leaks of all kinds.

According to the Evans and Novak column, "Vance's performance... bordered on the disastrous" because of errors and omissions in his testimony



Rowland Evans (left) and Robert Novak: Their leak of Vance's secret testimony put Senator Jackson on the defensive.

and his inability to reassure Senators that the U.S. had not given away too much to the Soviet Union. Evans and Novak concluded that the SALT agreements could not pass the Senate "today."

Vance's testimony to the subcommittee was supposed to be entirely confidential and no specific description of it had appeared in the press. Jackson emphasized the confidentiality of the hearings by banning Senate aides (but not his own aide, Richard Perle) from the room. Jackson even denied permission to State Department aides to read Vance's remarks after he was finished.

When Evans and Novak published a purported version of what had happened in that hearing room, several Senators were furious. One was John Culver of Iowa, a friend of arms control and SALT, who took the unprecedented step of attacking Jackson and his staff openly. Speaking to reporters in the presence of Richard Perle, Jackson's aide, Culver stared right at him as he charged that Jackson's staff shared responsibility for "a torrent of leaks" of what he called vital national security information.

Perle is an important member of the SALT mafia. Just 36, he has the reputation of being one of the most effective aides on Capitol Hill. Dark, intense, and a chain-smoker of French cigarettes, he is a resolute hard-liner and a master of Washington's political infighting. He has been

especially adroit in dealing with the press corps, often volunteering calls to reporters with his view of some development before even being asked. Members of the SALT mafia had long presumed a direct link between Perle and the Evans and Novak column. "Jesus," one member of Congress told me last year, "I can't tell you the number of things Perle has told me that a few days later showed up in Evans and Novak. That's happened half a dozen times in the last year."

Members of the SALT community generally agreed that Culver was trying to make an issue of Perle, a gambit that some on the dovish side thought might be effective. In fact, Culver swung a thick brush, blaming Jackson's staff not only for leaking their version of Vance's testimony, but the classified figures and information that Burt and Nitze provided as well. Culver had at least some circumstantial evidence for the first charge, but none for the second, which Perle heatedly denied. I asked Culver's staff what he based the charge on at the time he made it, but never got a reply.

Jackson publicly apologized for the Evans and Novak column, though he did not accept the accusation that his office had been responsible for it. In his apology, Jackson praised Vance's testimony to his subcommittee. In fact, as I reported in the Post at the time, sources in the Jackson camp had previously given me a negative description of Vance's testimony that closely paralleled the Evans and Novak column, though it differed in details. Perle's opponents on Capitol Hill and elsewhere took this sentence in my article to mean that Perle, or someone working with him, was indeed the source of the Evans and Novak column. I never knew that to be the case, and could present only the circumstances as I knew them. Perle denied to me later that he had been the source.

A classic insiders' brouhaha. But the consequences of this Richard A. Bloom/National Journal



Richard Perle: Is Senator Jackson's aide a source of SALT leaks?

one appear, at least for the moment, to have been significant. Jackson was put on the defensive for the first time in years on a SALT issue. He had to begin letting other Senators' aides attend Vance's appearances before his subcommittee. He had to allow State Department aides to read their boss's remarks after he had made them. He had to apologize publicly for a leak. Culver and other Senators who intend to prepare themselves for detailed debate with Jackson on the merits of SALT II took heart from this episode. Administration lobbyists began to argue that it had shown that Jackson, too, was vulnerable.

Front-Page **Negotiations**

But if Jackson's stature has been diminished, it could easily increase again. The SALT agreements are not likely to be signed before summer, according to good sources in the administration.

Given what has happened so far, the leaks seem likely to continue. Carter's March proposals displeased the Russians, but they pleased both hawks

and doves in Washingtonhawks because they demanded substantial Soviet reductions, doves because they demanded reductions on both sides. But the October agreements are quite unlike the March proposals, a fact that angers the hawks and worries some doves. Inevitably, the administration has had to take sides, a fact that makes leaks inevitable in the opinion of some. "There was just no way they [the administration) were going to avoid having the opposing forces attack them" with leaks, the Post's Marder says. Equally, there was probably no way the administration could avoid blowing its own trumpet through careful leaks.

Some officials are uncomfortable with the leaks, if only because they are so far removed from normal practice. The Arms Control and Disarmament Agency has circulated a memo to all staff asking that anyone who talks to a reporter convey word of this conversation to the director's public affairs advisor. The advisor says this is just routine, so he'll know what reporters are asking about. Others take it as a bit of intimidation.

As of mid-January, neither hawks nor doves appear to have profited from the recent leaks. Nitze said in an interview that he thought the leaks helped everyone by improving the quality of debate on SALT in this country and allowing the administration to hear the arguments against its policies before an agreement is signed. William Kincaid, director of the dovish Arms Control Association, said both sides had used the leaks "to make hav" for their positions. In the long run. Kincaid said, he believed the leaks would help his side in the debate, because "the scare artists" benefit from hurried debate, whereas the country would react more sensibly if it had time to digest the new SALT proposals.

One reason neither side gets an advantage, probably, is that the leaking system contains a sort of gyroscope of its own. If one side gets an advantage from a particular leak, someone on the other side is likely to counter with a leak that points in the other direction. They tend to balance off, it seems.

And who is doing the leaking? I don't know many of the sources, and those I do know I can't mention, because they are my sources. Nitze has publicly said he believes Burt's original source was David Aaron, Zbigniew Brzezinski's principal aide in the White House. That's possible, but I wouldn't bet on Aaron (who wouldn't comment on the accusation.)

Your average Washington leaker is not an Aaron or a Perle-a shrewd official with a particular point to make-but an anonymous figure who wants you to know how much he or she knows, how important he or she really is. Vanity in high (or low) places is a reporter's best friend.

The SALT process seems permanently altered by all the leaks. "Everybody's used to seeing it all in the papers," a senior administration official observes. "You can't stop it now."

Raise Hell with Mother Jones!

When Mary Harris "Mother" Jones was 99 years old, she was introduced to a college audience as "a great humanitarian."

"No!" Mother Jones roared. "I'm a hell raiser!"

Today MOTHER JONES magazine is raising her kind of hell. MOTHER JONES, a magazine of tough-minded questions, not simplistic answers. An understanding magazine that shares your disaffection with modern American culture - and your distrust of many of the people in power.

Just look at the hell we're raising:

- **★** In "A Case Of Corporate Malpractice" MOTHER JONES exposed the huge pharmaceutical company that made sixteen million dollars from a birth control device -even while they knew that women were suffering and dying from its effects.
- * "Bust Your Boss" told the whole story of Mobil's illegal shipments of oil to Rhodesia during the embargo, including a daring ploy by a group of activists, an insider's leak and a secret rendezvous at Penn Station to get the information out.
- "What You Don't Know May Hurt You" revealed the disasters at a U.S.-built nuclear power plant in India that nobody would talk about -including General Electric, Bechtel, our government, India's.

And an Associated Press release just revealed that MOTHER JONES is one of the 37 magazines used to prepare the daily White House news summary for the President. So now we know that Jimmy is watching our hell-raising too.

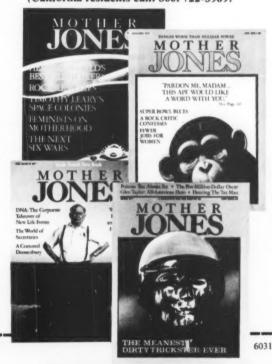
But like our namesake, MOTHER JONES also has a lighter side, the prankster's touch and a ready ear for the warmer moments in life.

- "Peking! Peking!" is Li-li Ch'en's moving account of a girl coming of age in China during the revolution: her first famine, first love, first missionary school. (Winner of a 1977 National Magazine Award.)
- * "The Censored Doonesburys"—MOTHER JONES printed Garry Trudeau's most notorious comic stripsthe ones you probably missed because they didn't appear in most newspapers.
- And readers have had a chance to follow the hijacker that got away, meet Studs Terkel in an excerpt from his new oral autobiography, read about the history they never taught us in school, look at China's musical hit parade, learn how to start an FM radio station.

Think you'd like to see what kind of hell MOTHER JONES is raising now? Send for your free issue. If you like it, you can get a full year (9 more issues) at the Special Introductory Rate of \$8.88 – a regular subscription is \$12.50. But if for any reason, you decide not to subscribe, just mark "cancel" on the bill. And keep your free issue - it's our way of thanking you for spending some time with MOTHER JONES.

OR CALL OUR TOLL FREE NUMBER: 800 227-1464

(California residents cali: 800: 722-3909)



☐ Sure, send me a FREE copy of MOTHER JONES. If I like it I'll pay you \$8.88 (a 30% saving) for a full year, 9 more issues. If I decide not to subscribe for any reason, I'll just mark "cancel" on the bill and that's itno further obligation.

Name.

City.

Zip. MOTHER JONES: 1255 Portland Place, Boulder, Colorado 80302

ARE CIA ASSETS A PRESS LIABILITY?

Loophole In Latest Agency Directive May Lead To Further Covert Use Of Media

House hearings explore extent of news-industry penetration.

BY DANIEL SCHORR

In the manner of Senator William Proxmire, his Wisconsin colleague, Representative Les Aspin called a series of hearings during the 1977 Christmas recess, when hardly another Congressional creature was stirring. He wanted, as chairman of the new House Intelligence Oversight Subcommittee, to ventilate the question of CIA involvement with the news media.

The hearings opened December 27, just as *The New York Times* completed running an exhaustive three-part series on the subject by John Crewdson. Three months in preparation, the articles covered the infinite variety of CIA connections with the press, ranging from getting intelligence to spreading propaganda. The *Times* said it had, but did not print, the names of more than 30 American journalists who had worked as paid intelligence operatives and a dozen more who had been unpaid "assets." The series served as a perfect launching platform for the hearings, although Congressman Aspin said the timing was only a coincidence.

In an otherwise deserted Rayburn House Office Building, the hearings drew a large audience. Chairman Aspin dominated the proceedings, supported much of the time by the sympathetic questioning of Norman Mineta of San Jose, California. The two Republicans who attended—Bob Wilson of California, and Robert McClory of Illinois, who came only when Chicago editors and publishers testified—devoted their efforts to defending the ClA and arguing for measures to tighten national security.

The press table was crowded. The only Congressional game in town was bound to draw media attention, and Aspin had chosen the point of impact between the intelligence community and American society that most preoccupies the news media. It is not hard to figure out why. In editorial page rhetoric, it is because the press is enshrined in the Constitution as the paladin of American liberty, with an implication that it is worthier and needier of being shielded from the cloak-and-dagger band than other institutions—the church, the university, the government itself. On a slightly less elevated level, it is because what happens in the increasingly powerful news media is increasingly news. On the most elemental level, it is because the subject is us, and we are fascinated by us, especially once names and reputations have started getting bandied about.

It was a moderately interesting story, in November 1973, when *The Washington Star News* quoted CIA Director William Colby as disclosing that "some three dozen" American journalists were on the agency's payroll. Stuart H. Loory, managing editor of the Chicago *Sun-Times*, explored the subject

exhaustively in 1974 for the Columbia Journalism Review, and was himself surprised at how little impact his article had.

What the story needed to "take off" was provided in January 1976, at the climax of Congressional investigations of the CIA, when Sam Jaffe, who had worked as a reporter for CBS and ABC, went on a daytime TV talk show in Washington to talk of a list of "some very big names in our profession" who had been "involved with the CIA." He named big names indeed—names like Walter Cronkite and John Chancellor—and, once the Olympian thunderbolts of denial and denunciation had resounded, the question of what had become submerged by the question of who. It became a matter of separating "involved" goats from uninvolved sheep, with no idea of what precisely the goats were supposed to have been involved in. It was a little reminiscent of the McCarthy period when people were, vaguely and subjectively, called "security risks" with no clear idea of what the term meant.

A Panting Retreat

A great deal of retrospective hemming and having leaves the impression that there was a list of some 200 of the CIA's journalistic contacts, compiled on the demand of Charles Colson's smear squad at the White House. Lieutenant General Vernon Walters, former deputy director of the CIA, says he heard about it, though he denies having compiled or transmitted it. CIA veterans suggest that the list was little more than a register of journalists who had been in touch with the agency. It was unlikely, considering the antagonism between the agency and the Nixon White House, that the names of real agents under deep cover as journalists would have been entrusted to blackmail-bent Nixon aides. But, with journalistic stars demanding certificates of non-involvement, the subtleties of the variegated relations between the CIA and the press got lost. The CIA was pressed to disclose journalists who had been associated with it so that the world would know who had not been.

That was what Cronkite sternly demanded in February 1976, when CBS Chairman William S. Paley had the new CIA director, George Bush, over to the network's 35th-floor private dining room for lunch. Others chimed in. "I believe the names of correspondents, publications, and agencies still working for the CIA should be exposed," wrote former ABC correspondent Edward P. Morgan in *The New York Times*. That was what no CIA director would deliver because it would mean betraying the sources he was pledged to protect—indeed, was bound by law to protect.

Anything that exercises Cronkite and Chancellor can be counted on to exercise members of Congress. The Senate Intelligence Committee, which was in the last stage of its

Daniel Schorr is a former CBS correspondent. He is the author of Clearing the Air, published by Houghton Mifflin last fall.

investigation, set up a special subcommittee in February 1976, and made a stab at getting names of journalists from the CIA; it had to content itself with sample cases from which names had been deleted. If Congress could not get names, it could at least get some numbers. The Senate committee reported that "approximately 50" employees of U.S. news organizations had some "covert relationship" with the CIA—more than the "some three dozen" that Colby told *The Washington Star* about, but more loosely defined to include foreigners and to cover arrangements that ranged from salaries to "occasional gifts and reimbursements." The House committee, using a more specific definition, said there were 11 CIA agents under media cover—and no longer any full-time correspondents of major American news organizations.

Even while providing Congressional committees with numbers of American journalists on its payroll, the CIA said these numbers were fast diminishing. Publicized new regulations, accompanied by the heavy panting of agonized retreat, offered concessions in terms of restricting the use of American journalists as intelligence agents. This tended to keep attention focused on the issue that so exercised the American press—the use of individual reporters—and to divert attention from the broader range of CIA involvement with the flow of news and information around the world. The "mighty Wurlitzer," as it had been lovingly called by former Deputy Director Frank Wisner, the CIA's master organist, had gone beyond the keyboard of persons as collectors of intelligence to news organizations as the pedals of covert operations.

Long before the Cronkite-Chancellor flap, the agency had anticipated problems. In September 1973, in the first flurry of post-Watergate sail-trimming, Director William Colby issued an amendment to the CIA's secret regulations, which was reproduced in the 1976 draft report of the House Intelligence Committee (also known as the Pike Report). In the future, it said, the approval of the Deputy Director of Operations would be required "prior to the operational use of journalists, newspaper [sic], TV, radio or news stations [sic], whenever the individual is a U.S. citizen or when the news medium involved is under U.S. ownership or control."

The amended regulations placed no restriction on continued manipulation of the foreign press, nor any absolute ban on using the American press, only a precautionary tightening of controls in a time of leaks and possible investigations. There were sensitive matters involved—cases of cooperation by executives of major American news media, and equally sensitive cases of penetration of news organizations without the permission of executives. Of the remaining five CIA agents in 1973 who worked "concurrently for major, general-circulation journals"—a euphemism for working under cover—management was "unwitting" in three cases, Colby told the Pike Committee in 1976. In the other cases, apparently, management was cooperating in providing operational cover for agents posing as jour-

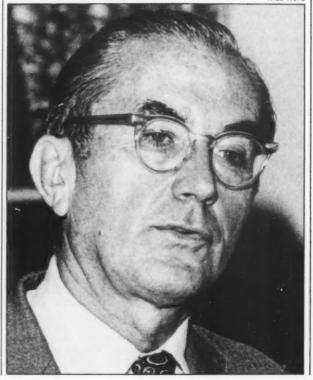
The next regulation came from Director George Bush in February 1976, at the height of the great brouhaha about the tarnishing of famous journalists. In a departure from agency practice, the regulation was made public. It said, "Effective immediately, CIA will not enter into any paid or contractual relationship with any full-time or part-time news correspondent accredited by any U.S. news service, newspaper, periodical, radio or television network or station." The regulation promised to end "existing relationships with individuals" (according to the CIA, this was accomplished by the end of 1976). Volunteered information would still be welcome. Names of "cooperating Americans" would not be disclosed, "now or in the future."

nalists.



Old line, new bottle? CIA Director Stansfield Turner (above) and former chief William Colby.

Wide World



Wide World

That kept the focus on the correspondent elite. The Bush regulations said nothing about institutional arrangements with news organizations, about relations with executives, about bureau managers and administrative personnel, about Americans and others working for foreign news organizations, some of which might be CIA proprietaries. In fact, the CIA officially informed the National Conference of Editorial Writers that a CIA-financed news service abroad is not considered an American news organization.

Under renewed pressure from the press, there was further tightening of the rules in another revision of the regulations issued by President Carter's CIA director, Admiral Stansfield Turner, on November 30, 1977. "Part-time" was spelled out to include "stringers," but not freelancers. Arrangements for use of nonjournalist news media employees would require "express approval of senior management of the organization concerned." The CIA would not "use the name or facilities of any U.S. news organization to provide cover for any Agency employees or activities." From this directive came an implied acknowledgement of past manipulation of the news media in the interest of intelligence collection. But, except for managementapproved non-journalists, freelancers, and employees of foreign news organizations, it was over now for all time. Or was it?

The last paragraph of the Turner regulation read, "No exceptions to the policies and prohibitions stated above may be made except with the specific approval of the DCI [Director of Central Intelligence]."

When asked to explain this loophole, the agency took the position that, although the regulation was public, exceptions could be made in secret. Did this mean that the whole policy could be reversed without disclosure? Well,

theoretically, perhaps. But Dennis Berend, a CIA press officer, urged me to accept the spirit in which the regulation was intended. An exception might be made if, say, a foreign stringer for an American news organization learned of a terrorist plot and offered to infiltrate the conspiracy on behalf of the CIA. In such an emergency, there might be an exception which, obviously, could not be disclosed. The agency has a way of justifying its practices in terms of the most dramatic emergency situations, although the procedures could also apply to less compelling situationsand could, in fact, result in the secret negation of the whole public regulation.

The Aspin Hearings

Communication between the covert world and the overt world is not easy. When covert people have to explain themselves, they are already in trouble. Their activities are clandestine precisely because they do not conform to accepted modes. The old tradition was, as retired chief of counterintelligence James Angleton told the Senate Intelligence Committee in 1975, that secret agencies never thought they were supposed to abide by public, Presidential policies. Under the old tradition, Richard Helms played his cards close to his chest and got into trouble with the law. In a newfangled tradition of trying to bring the CIA under the Constitution, William Colby came clean, or relatively so, with Congress and a Presidential commission and got fired by President Ford. Everybody in the old covert world, up to Secretary of State Kissinger and Vice President Rockefeller, had ganged up on him.

Now, as Congressman Aspin reopened the question of the entanglements between the open and secret worlds of information gathering, the dilemma was: How do you write a code for professionals in the shadows whose real code

THE CIA DIRECTIVE

The following is the complete text of the CIA's new regulations concerning relations with the U.S. news media. The regulations were put into effect by Director of Central Intelligence Stansfield Turner on November 30, 1977.

1. Policy. The special status afforded the press under the Constitution necessitates a careful policy of self-restraint on the part of the Agency in regard to its relations with U.S. news media organizations and personnel. Accordingly, CIA will not:

a. enter into any relationships with full-time or part-time journalists (including so-called "stringers") accredited by a U.S. news service, newspaper, periodical, radio, or television network or station, for the purpose of conducting any intelligence activities. The term "accredited" means any full- or part-time employee of U.S. or foreign nationality who is formally authorized by contract or by the issuance of press credentials to represent himself or herself either in the U.S. or abroad as a correspondent for a U.S. news media organization or who is officially recognized by a foreign government to represent a U.S. news media organization;

b. without the specific, express approval of senior management of the organization concerned, enter into any relationships with non-journalist staff employees of any U.S. news media organization for the purpose of conducting any intelligence activities;

c. use the name or facilities of any U.S. news media organization to provide cover for any Agency employees or activities.

2. Limitations.

a. The policies set forth above are not designed to inhibit open relationships with journalists (as for example contracts to perform translating services or to lecture at Agency training courses) which are entered into for reasons unrelated to such persons' affiliation with a particular news media organization. Willingness on both sides to acknowledge the fact and nature of the relationship is the essential characteristic of the open relationships into which CIA will enter with journalists under this provision.

b. In addition, CIA will not deny any person including full-time or part-time accredited journalists and stringers regardless of profession, the opportunity to furnish information which may be useful to his or her Government. Therefore, CIA will continue to permit unpaid relationships with journalists or other members of U.S. news media organizations who voluntarily maintain contact for the purpose of providing information on matters of foreign intelligence or foreign counterintelligence interest to the U.S. Government.

c. Likewise, the Agency, through the Office of the Assistant for Public Affairs to the Director, will continue to maintain regular liaison with representatives of the news media to provide public information, answers to inquiries, and assistance in obtaining unclassified briefings on substantive matters.

3. Exceptions. No exceptions to the policies and prohibitions stated above may be made except with the specific approval of the DCI [Director of Central Intelligence].

is to operate outside the code? Well, one could try. An opening statement by Massachusetts Congressman Edward P. Boland, chairman of the parent House Intelligence Committee, said the purpose of the hearings was "to explore whether the CIA should be involved with the press at all and, if so, to what degree and under what restraints." To make that question more concrete, the committee displayed, on easels, neatly lettered charts spelling out a range of possible journalistic connections with the CIA. Members of the committee sought to ascertain from spokesmen of the overt and covert worlds which activities and relationships would be considered acceptable and

The "Activities" chart

which would not.

I. Information: story confirmation, information swapping, pre-briefing, de-briefing, access to files and outtakes, and prior tasking;

II. Support: hosting of parties for CIA officers, providing of safehouses, and acting as couriers:

III. Agent work: spotting, assessing, recruiting, and handling;

IV. Propaganda. "Bonds of Association," were divided into:

I. Voluntary Contacts, based on patriotism, ties of friendship, and career advancement (getting a scoop):

II. Salaried "Assets," based on gifts, expense reimbursement, occasional contract payments and, finally, regular payment.

The divisions seemed somewhat arbitrary. For example, career-advancing scoops might well be considered as reimbursement—sometimes more valuable than money. Intelligence veterans smiled at the charts, saying these categories did not describe the richly textured reality; they would have trouble fitting the journalistic pegs they had worked with into these neat holes. For example,

intelligence "assets"—those who could be used—did not fit any standard criterion laid down in headquarters, but were often simply contacts claimed as "assets" by station chiefs trying to enhance their own importance. Many a correspondent catalogued in Langley as an "asset" had never known he was one.

Predictably, no consensus about permissible activities and associations was found among the 17 witnesses from the worlds of intelligence, the foreign service, and journalism who testified during the six days of hearings.

Alumni of the intelligence community, some in soft words and some in bellicose terms, resisted having the agency fenced in. Colby deplored the idea of treating the CIA as "some sort of pariah." If the American press, because of its special constitutional status, was to be denied to the CIA as cover for its agents, he argued, then that should be the last exemption, and the CIA should be given back the right to use those government agencies from which it is barredlike AID and the Peace Corps.

Ray S. Cline, former deputy director of the CIA who now manages the Georgetown University Center for Strategic and International Studies. allowed himself to come off as the heavy. Suitably bearded for the role, he jeered at "the recent wave of sanctimony" about the free press, noted that "the First Amendment is not the central purpose of our Constitution," and said he saw nothing wrong with American journalists "moonlighting" for the CIA.

"When you pay a reporter, doesn't it damage his credibility?" asked Chairman Aspin.

"If he keeps his mouth shut, nobody will know about it," replied Cline coolly.

John M. Maury, a retired CIA officer who had served as Assistant Secretary of Defense in the Ford Administration, took the counteroffensive a step further. It was not the credibility of the press that has



Former national security advisor Morton H. Halperin told the Aspin committee about CIA attempts to plant domestic disinformation.

suffered, he argued, but the credibility and effectiveness of the CIA because of "false allegations and irresponsible revelations by the press." If news manipulation is a problem for the free press, it is because "news is manipulated every day by the reporters who file it and the editors who present it." As to associations between journalists and the CIA, said Maury, "I don't object to any relationship between consenting adults....Let them police their business and we'll police ours."

The interdicting barrage did not deter reporters who had been asked to testify the next day. Herman Nickel, a *Time* foreign correspondent who has recently returned to become Washington editor of *Fortune*, said, "A reporter who moonlights for the CIA or any other

intelligence service because of the lure of money prostitutes himself." Joseph Fromm, deputy editor of U.S. News and World Report, told the committee, "A responsible journalist cannot serve two masters." And Tad Szulc, a freelance journalist who has written extensively about the CIA, proposed that the agency be prohibited by law from employing freelance reporters.

All of them, however, acknowledged a need for relations with the CIA as a news source, and most of them agreed that in the course of getting information a reporter usually gives information. Only Ward Just, journalist turned novelist, took the flat-out position that the agency should be banned from any relationship with the press. Intelligence officers, he argued, "inhabit a



Former CIA deputy director Ray S. Cline: "The First Amendment is not the central purpose of our Constitution."

different temperamental world.... As a writer, I can't approve of the CIA suborning other writers."

Stuart H. Loory, managing editor of the Chicago Sun-Times who had written the 1974 Columbia Journalism Review expose on CIA-press relationships, demanded that the agency now make a complete disclosure of the journalists it has used—names, dates, everything—"in order to wipe the slate clean and create the conditions for a future free of suspicion."

The CIA would not do that, nor would the committee demand it. "We are not interested in drawing attention to past excesses of intelligence activities," Representative Boland had stated, but rather in "shaping a better future ... a stronger press, and a healthy, efficient CIA."

"Past excesses" had been the business of the old Church and Pike committees; the permanent intelligence committees valued their harmonious relations with the intelligence agencies.

Fallout

What emerged from the hearings as a more concrete and controversial issue than CIA use of journalists in intelligence gathering was the manipulation of the press itself-the planting of information abroad and at home. Colby testified that covert propaganda abroad-which, on a couple of unspecified occasions, he said, had built minority parties into winning parties-had almost vanished in the general reduction of covert operations from 50 percent to two percent of the CIA's budget. But he wanted the capability maintained; to ban it, he said, would be "unilateral disarmament."

He discounted the danger of domestic "fallout" while acknowledging that there was no way to prevent a story planted abroad from ending up in an American paper. A confidential alert to American editors suggested by Aspin—would instantly become a story itself, Colby commented wryly. Congressional committees have been less complacent about "fallout." The Church committee documented how a propaganda line on Chile for Latin America inevitably got replayed in the U.S. press.

In 1967, an order by Deputy Director Desmond FitzGerald, banning direct propaganda in this country, said, "Fallout in the United States from a foreign publication which we support is inevitable and consequently permissible." The Pike report also confirmed the fallout phenomenon. "Information supplied to the Committee," it said, "suggests that some planted, falsified articles have reached readers in the U.S."

Not only because of direct impact at home, but as a larger matter of principle, the American Society of Newspaper Editors demanded a CIA "handsoff, worldwide rule" with regard to the press. Eugene Patterson, editor of the St. Petersburg (Florida) Times and president of ASNE, testified at the Aspin hearings, "If this creates difficulty for CIA operations . . . that price is worth paying to establish universally the far larger fact that Americans live by their title deeds and offer to others an ideology that works without cheating.

It is one of those cases where the covert world simply cannot deal with publicly expressed principles-and doesn't try. Gilbert Cranberg, of the Des Moines Register and Tribune, summarizing discussions with CIA officials, told the committee, "The officials said they recognized the inconsistency of wanting sometimes to engage in conduct that is never justifiable, but that is their untenable position." For a government agency to honor a free press at home and sully it abroad was, said Clayton Kirkpatrick of the Chicago Tribune, a "two-faced, hypocritical attitude."

To this, the CIA could only doggedly reply, in its correspondence with the ASNE,

ASSASSINATION AND MANIPULATION

The following is an excerpt from the testimony of Morton H. Halperin, director of the Center for National Security Studies, to the Subcommittee on Oversight of the House Committee on Intelligence, January 4, 1978. The testimony concerns an example of what Halperin calls "CIA manipulation of the press" following the assassination of CIA station chief Richard Welch in Athens. Greece, December 24, 1975.

The Welch assassination case is the only episode that I am aware of where there is clear evidence of CIA manipulation of the American press for the purpose of influencing events in the United States. The CIA successfully exploited the murder of one of its station chiefs to set back efforts to bring the CIA under constitutional control.

The facts are no longer in serious dispute.

Sometime before Welch went to Greece, an American magazine, Counterspy, identified him as station chief in Peru. This did not lead to cancellation of his assignment. When Welch arrived in Athens, he decided to live in the home that CIA station chiefs had occupied for many years. A cable from [CIA headquarters in] Langley urged him to live elsewhere, pointing out that it was widely known in Athens political circles that the CIA chief lived in that house. Welch was warned that with anti-American and anti-CIA feeling running high, he risked assassination if he remained in the house. He tragically rejected the advice.

When word of Welch's murder reached Washington, the CIA assistant to the director for press relations, Angus Thuermer, called many Washington reporters and told them, on deep background, that an American magazine had published Welch's name and that he was now dead. Lest the point be missed, Thuermer, or some other CIA official, said on background—for attribution to "a U.S. intelligence source"—that "we've had an American gunned down by other Americans fingering him—right or wrong—as a CIA agent." Thuermer did not tell anyone that the agency had warned Welch not to live in that house. Indeed, Daniel Schorr reported in *The Washington Post* on December 27, 1977 that, months later, when the Senate Intelligence Committee was investigating this episode, the CIA director sought to persuade the committee not to make that fact public.

American newspapers the next day reported, on their own authority, that Welch's name had been published in an American magazine and now he was dead. Consider how different the Welch episode would have been if the stories had begun: "Two months after he was warned not to live in a notorious house long known to be occupied by CIA station chiefs, Richard Welch was murdered as he returned to the house late last night." That the stories instead suggested that Counterspy was responsible for his death was the result of a deliberate CIA manipulation of the American press.

that "disinformation" (false stories) has fallen to almost zero, that 99 percent of covert propaganda today involves "planting of accurate information," and that proposals for covert operations must now be cleared with the White House. But the agency apparently has

no intention of budging from its determination to resist restraints on what it does abroad using foreigners.

"It is our considered opinion," Admiral Turner wrote in a letter to Patterson that the editor put into the hearing record, "that any further

extension of the scope of the restrictions beyond U.S. media organizations is neither legally required nor otherwise appropriate in the light of the potential barriers which such action may pose to this Agency's ability to carry out its critical duties in furtherance of the nation's foreign policy objectives."

CIA Propaganda

A related issue is whether the CIA, aside from fallout from its foreign propaganda, has tried to influence opinion in the United States. Loory expressed belief that the agency, through its journalist "assets," had worked to create a favorable climate at home for administration foreign policy. He referred, without elaboration, to "reports that even some of the most distinguished of American journalists have at times disseminated CIA propaganda, sometimes knowingly.

Morton H. Halperin, onetime Kissinger aide in the National Security Council and now a nemesis of the intelligence establishment as director of the Center for National Security Studies, asserted that, in four cases, the CIA sought to use the American and foreign press "to influence events and opinions in the United States." They were aimed, Halperin testified, at 1) discrediting studies critical of the Warren Commission report; 2) presenting Salvador Allende as a threat to a free press in Chile; 3) discrediting Elias Demetracopoulos, a Greek journalist who ran afoul of the agency; and 4) misleading the American public about what lay behind the December 1975 murder of Richard Welch, the CIA station chief in Athens.

The Welch assassination had been linked, at the time, by CIA spokesmen to publication of his name in an anti-establishment quarterly, Counterspy (which placed him in a post in Lima, Peru). What the agency covered up, said Halperin, was a cable it had sent Welch urging him to live elsewhere because, "It was widely known in Athens political circles that the CIA chief lived in that house.

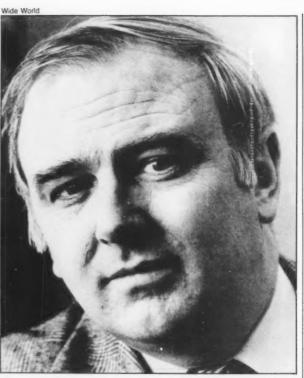
"Consider how different the Welch episode would have been," said Halperin, "if the stories had begun, 'Two months after he was warned not to live in a notorious house long known to be occupied by the CIA station chief, Richard Welch was murdered as he returned to the house late last night.'

As though to anticipate Halperin's charge, Colby had testified the previous week that, because he was "upset" over the Welch murder, he may have initially given too much weight to the Counterspy angle. He acknowledged that "bad cover" and Welch's insistence on risking it were undoubtedly factors in the murder. But the "root cause," Colby insisted, was "hysteria and sensationalism about the CIA "

Aspin agreed with Halperin, however, that the CIA had mounted "a very successful media operation" around the Welch murder.

Legislating Credibility?

The legislative ideas broached during the hearings were vague and general. The ASNE representatives wanted a law to require the CIA to "forego employment of foreign newsmen for its own ends." Ward Just wanted the CIA banned from dealing with the press altogether. Morton Halperin would apply the ban only to the covert action staff, not the intelligence analysts. John Maury, the old CIA man who thought the government needed more protection than the press, urged a law to deal with the Philip Agees and Frank Snepps-making it a crime to disclose anything that intelligence chiefs designated as relating to "sources and methods.'



Representative Les Aspin: Can his committee plug the loopholes in the Turner directive?

appear to be taking any of these proposals to its bosom. Aspin said there was general agreement that "there will have to be some relationship, at least on a voluntary basis," between the CIA and American jour-

It was clear that the varied range of journalistic relations with the intelligence community-in which one person's advance briefing becomes another's "tasking," and one person's checking of impressions may become another's debriefing-does not lend itself easily to formal rule writing. Indeed, as Aspin indicated after the six days of hearings, trying to hamstring CIA dealings with journalists could result in the accusation of hamstringing journalists' dealings with a government agency. And, what about the First Amendment rights of a CIA moonlighter or an outright spy who wants to write?

Efforts will be made, Aspin indicated, to insure that there The committee did not is no more recruiting of Ameri-

can journalists as paid agents. Admiral Turner's directive will be monitored. But, if the purpose of a self-denying CIA ordinance is to restore the credibility of American journalists abroad, that is not likely to work. Most foreign governments will not believe it. And, when they find it expedient to call an American correspondent a CIA agent, they will do so anyway.

The press will have to look to its own credibility-executives by steering clear of arrangements to provide cover to CIA agents, reporters by resisting the money, favors, and other blandishments that have lured them in the past into serving the intelligence community or peddling its wares.

As Fortune's Herman Nickel put it succinctly, if malechauvinistically, "When faced with requests they regard as improper, ladies throughout the ages have found it useful to use the little word, 'No!' ... Editors and reporters should do likewise.'

DINING OUT IN MEDIALAND

Why Top-Drawer Newsies Break Bread With The Government

Whom did Jordan cross?



BY NICHOLAS VON HOFFMAN

The story of Hamilton Jordan's lechy crack to the wife of the Egyptian ambassador at Barbara Walters's dinner party December 4 first saw print in *The Washington Star*, then jumped to *The Washington Post*, then to *The New York Times*, and finally to *Editor & Publisher*, the newspaper business trade magazine, which ruled that printing the "titillating yarn" "didn't do anything to help the credibility of the news media."

In the event you didn't see the quote in any of the aforementioned, or in Time magazine, or The Village Voice, or the 101 other places it doubtless appeared, Mr. Jordan, Jimmy the Baptist's most trusted political advisor, is supposed to have plucked the blouse containing Madame Ashraf Ghorbal's now celebrated cleavage, as he explained to her, "I've always wanted to see the pyramids." Everyone at the party willing to have his or her name used denies that the incident took place, but, with gossip, accuracy is less important than truth. Does attributing a quote like that to Monsieur Jordan delineate a true aspect of the man? Whether or not Sally Quinn, The Washington Post's numero uno society writer, made up another quote she attributed to Hamilton, what we want to know is if he is the kind of person who'd tell this same assemblage, "This administration has to take a p---." We already know The Washington Post is too icky poo to print the iss, which also tells us something about the credibility of the news media, to steal a fresh trope from E & P.

No dinner party in the past few years has caused such twitchings of the tail and straightening of the neck hair among the newsies as this affair, at which the Israeli and Egyptian ambassadors first shook hands in public. The New York Times's William Safire reported in his column that he was called down for taking notes at the dinner table by the editor of The Washington Post, who contended that by the ground rules the party was off the record—at least until Ms. Quinn felt moved to dilate in print about the needs and necessities of the Jordanian (Hamilton, not Hussein's) bladder.

"Off the record" doesn't exist. No story is off the record if it's good enough. Any politician who's been around, and whose desire to see his puss on the tube hasn't wiped out his survival instinct, knows that you don't ever, not ever, tell a reporter anything you want kept secret. If you do tell a reporter something off the record, and you don't read it in the paper the next day, more likely than not it's because your nugget was worthless or because your confidence is being won so that some day the same reporter can betray you on a really big one. Setting up the victim for a future fleecing is called, in journalism talk, maintaining rapport with one's sources, ethics, or making sure one can go back to the same office without being met by a baseball bat.

Reporters are seldom in a position to have ethics. There are ten people lined up for every job in journalism, so that it's the rare reporter who can hold out on the boss. Whether you want to think of reporters as Tasmanian Retrievers (the bird dog analogy is often used) or as coal miners, they are paid to dig up, gather, collect, or in any other way fetch that valuable com-

Nicholas von Hoffman writes a syndicated column for King Features. His forthcoming book, When Big Brother Was a Baby: The Americanizing of the Total State, will be published by Pantheon later this modity called news. The more news and the better its quality, the higher the pay.

And no subject is touchier in the news business than what the news hounds are paid. Generally the newsies, like dry-goods clerks, are not told how much their co-workers are compensated, and spreading accurate information around the office on the question of remuneration will get you sacked faster than disseminating inaccurate information to the viewers. An exception was the hostess of this famous party of the pyramids, Ms. Walters herself. Her salary was so large that the news of it was itself a commodity of some value, which her employers realized and exploited.

Nothing destroys the myths of professionalism faster than knowledge of very high levels of compensation in an occupation. When it became known that Ms. Walters was bringing in one million clamolinos a year, there was consternation among her fellow toilers. The price spread between that and the \$13,500 the rumpled goofus in the slightly spotty parka is hauling in on a Lincoln, Nebraska, TV station or in the Associated Press's bureau in Roanoke, Virginia, is so wide that it's impossible to know what she makes and know what you make and think you are both in it for the same thing. Perhaps you are, but she's getting it and you're not and you never will.

You may not have money, but you have your principles, when the boss lets you practice them, and then he tells you, "Look, don't ask for a raise, be grateful I don't make you write lies." At her level of compensation, or the less well-publicized levels of a Cronkite or a Chancellor, she is in management. Only the top executives in the United States get paid that kind of money. The difference is that with someone at those pay levels in the news business, we don't draw the inference we draw when it's pointed out to us that a Harold Geneen, the chief executive officer of ITT, is paid about the same as a Barbara Walters. (He may do better on stock options and things like that.) We have no difficulty suspecting that his job and how much he gets paid had more than an accidental connection with his company's hankypanky with Nixon and its role in the overthrow of Chile's Salvador Allende. Yet \$285-a-week journalists do not ask themselves if the contents of James Reston's column in The New York Times may be tinted by a way of life that has him living in Washington's new Kalorama Square development, where the living units are reportedly priced at half a million each, and the protected ones who dwell therein are made safe by 40-foot-high brick walls.

The old notion of objectivity, which has had serious, perhaps fatal doubt cast on it in the past decade, has betaken its astral self and moved in on the idea of professionalism. If the claim is less often heard that journalists do what they do because they can see and report with value-free eyes and a non-judgmental, tape-editing machine, we are now treated to the equally implausible assertion that there exists a body of knowledge and technique in journalism which makes its practitioners disinterested professionals who do what they do regardless—like hydroelectric engineers or laboratory hematologists. The truly professional reporter, or so this bedtime story goes, whether she makes one hundred or one million, will cover the same story the same way every time out.

For the poorly paid reporter, professionalism provides a sense of pride and integrity as psychic compensation in lieu of a material one. That's what makes a Rupert Murdoch so objectionable, not to his commercial competitors, but to journalists who don't work for him and don't have any stake in his success or failure. For his own reasons and purposes, he strips his employees of professional pretensions and, by robbing them of the dignity of claiming allegiance to an ethic higher than the cash

box, rubs the nose of all us newsies in the fact that, unless we own stock, we are employees—faceless flesh heads in the white-collar mass.

In the long run this may not work to the management's advantage. Professionalism is a cheap and easy way of disciplining labor. Example: A true professional doesn't walk off a story come 5:30, even though he or she knows there will be no overtime pay for hanging around and seeing the job through in the highest traditions of cheapskate journalism. On the other hand, with the unions in an advanced state of decomposition and the colleges pouring forth new millions onto the employment lines every June, it may not matter what the working newsies think of their occupation.

From this perspective, the famous Walters party for the two ambassadors makes sense. At the time, questions were raised by those who believe in the professional myth about a journalist making news in this fashion. If a million-dollar-a-year oil executive were to have the Israeli and Egyptian representatives to the United States for dinner, nothing much would be said. Because Walters is perceived as a journalist, this strange incorporeal professional, who operates oblivious to money or status, and not as a very highly paid corporate executive, critical eyebrows got cocked.

This kind of criticism works to obscure the real state of affairs to both newsies and the public at large. If Walters is to be singled out for tsk-tsking, the implication is that what she was doing that night was special, unusual, and highly unjournalistic. True journalists are almost extraterrestrial in keeping themselves uncompromised and distant from those they may report on. This is certainly so of Washington's poor, low-status journalists who don't give such parties and can't get invited to them, but it has never been true of those whose position in the business places them in the ruling classes.

The occasional adversary role of the news business has been so exaggerated that little effort has been expended in noting the normal and ordinary role of news executives, which is to facilitate the running of the country. In addition to the work of buttressing faith in the great constellation of values making up the American political economy, and performing other tasks Americans recognize as propaganda in other societies but not in their own, the top-drawer newsie plays an informal social role in Washington as a bringer together and synthesizer of public policy. Remember that the one part of corporate America that is entirely exempt from the rules and prohibitions against taking part in politics and lobbying are the news corporations. In his craziest imaginings, James Madison never dreamt of the First Amendment applying to a corporation like ABC. But behind freedom of speech, a right never conceived of for a corporation but only for individual human beings, a person like Barbara Walters can use the public's right to know to entertain, lobby, and influence on behalf of every major business group with every Senator, commissioner, and Supreme Court judge.

And the beauty of it is the sincerity of the people doing it. You can be sure Walters genuinely believes that when she has such parties she is cultivating news sources. Earlier generations of journalists, the Joseph Alsops, the Walter Lippmans, the Arthur Krocks, and the Drew Pearsons, who did the same things, probably understood that their journalism and running the country were pretty much one and the same thing. The idea of professionalism was not so elaborately developed, and the need to use it to block any serious inquiries into the unrecognized political functions of the news business was not so great. Barbara Walters and Roone Arledge, head of ABC News, who seemed to have been co-hosting this affair, or at least paying for it, were not breaking new ground.

LIBEL

LIBEL GETS TOUGHER

Court Decision Protects State-Of-Mind Evidence

'Herbert' ruling undermines 'Sullivan'.

BY MARC A. FRANKLIN

On November 7, 1977, the U. S. Court of Appeals for the Second Circuit issued a ruling in the four-year-old libel suit brought by former Lieutenant Colonel Anthony Herbert against CBS's 60 Minutes. In an editorial, The New York Times hailed the decision as a landmark for the press.

The Times may have been hasty (and perhaps guilty of wishful thinking) in rushing to certify a new landmark in the thicket of libel law. But the majority decision handed down by Judge Irving R. Kaufman is certainly a significant one, not so much for what it does in the Herbert case as for what it implies about the future of all libel actions brought by public figures against the press.

The decision effectively barred Herbert's lawyers from posing pre-trial questions ("discovery") to 60 Minutes producers and reporters about what their state of mind had been while preparing the show. By doing so, the decision threatens the stability of a real landmark case, New York Times v. Sullivan. In that 1964 decision, the Supreme Court ruled that in order for a public official (since extended to include all

public figures) to win a libel case, he had to show clear and convincing proof that the defendant had acted with malice by knowingly making false statements, or by making them with reckless disregard for the truth.

Judge Kaufman's decision in the Herbert case suggests that a second tier of legal barriers is being erected-a tier that will make it increasingly difficult, if not impossible, for a plaintiff to demonstrate malice under the Sullivan guidelines. This, of course, would be good news for the press, since it would broaden the freedom to criticize without fear of libel suits. It would be bad news, however, for those who feel that the press already is too free to trample on the reputations of newsworthy individuals.

This second tier of barriers raises legal obstacles for plaintiffs such as Herbert: Do they have the right to ask journalists about their states of mind in preparing a story? Can they request outtakes and notes to scrutinize the editorial process? And can they demand the names of confidential sources who may have provided the allegedly defamatory information?

A complete rethinking of public figure libel law will result should other courts move to develop this second tier, or any significant part of it, and the press could find itself with much broader protection.

The \$44,725,000 Suit

The Second Circuit ruling was really only a skirmish in the libel war between Herbert and CBS, 60 Minutes producer Barry Lando, and correspondent Mike Wallace. [See "A Lone Soldier's War Against CBS and Mike Wallace" in MORE, February 1977.] In 1971, Herbert had taken on the army when he charged it had covered up Vietnam War atrocities. The news media initially portrayed Herbert as a hero for his willingness to compromise a distinguished Army career by speaking out.

But a 60 Minutes episode aired on February 4, 1973, and a subsequent article by Lando in the May 1973 Atlantic Monthly, challenged Herbert's credibility and implied that he might have been guilty of war crimes himself. In January 1974, Herbert filed a \$44,725,-000 suit for damages to his reputation against CBS, Lando, Wallace, and The Atlantic Monthly. Herbert's basic contention, as Judge Kaufman wrote in his decision, was that Lando deliberately distorted the record through "selective investigation, 'skillful' editing, and one-sided interviewing. The defendants contended that the publication was fair and true, broadcast in good faith without malice, and protected by the First and Fourteenth Amendments.

During the pre-trial process of discovering information, Lando alone gave a deposition that ran 2,903 pages and involved 240 exhibits. He answered questions, Judge Kaufman noted in his decision, about "what he knew, or had seen; whom he interviewed; intimate details of his discussions with interviewees; and the form and frequency of his communications with sources." The exhibits produced included transcripts of his interviews, volumes of notes, videotapes of interviews, and a series of drafts of

was also given the contents of pre-telecast conversations between Lando and Wallace, as well as reactions to documents reviewed by both.

Lando's attorneys, however, refused, on First Amendment grounds, to allow him to answer a number of questions about his beliefs, opinions, intentions, and conclusions in preparing the program—questions dealing with his state of mind about Herbert.

These questions were grouped by Judge Kaufman into five clusters: "1) Lando's conclusions during his research and investigations regarding people or leads to be pursued, or not to be pursued, in connection with the 60 Minutes segment . . . ; 2) Lando's conclusions about facts imparted by interviewees and his state of mind with respect to the veracity of persons interviewed; 3) The basis for conclusions where Lando testified that he did reach a conclusion concerning the veracity of persons, information, or events; 4) Conversations between Lando and Wallace about matter to be included or excluded from the broadcast publication; and 5) Lando's intentions as manifested by his decision to include or exclude certain

Herbert's attorney, Jonathan W. Lubell, asked U.S. District Court Judge Charles S. Haight, who is trying the libel action, to order Lando to respond to these questions. In other libel rulings since Times v. Sullivan, the Supreme Court had equated reckless disregard of the truth with "subjective awareness of probable falsity," or a demonstration that the publisher "in fact entertained serious doubts as to the truth of his publication." Lubell argued that such a subjective standard required him to probe the journalists' states of mind.

his communications with sources." The exhibits produced included transcripts of his interviews, volumes of notes, videotapes of interviews, and a series of drafts of the 60 Minutes telecast. Herbert

Marc A. Franklin is Frederick I. Richman Professor of Law at Stanford University Law School. His most recent book is The First Amendment and the Fourth Estate.



though he said it was unlikely that Lando would make admissions about his state of mind that would be helpful to Herbert.

Freeze On Free Interchange

Lando and CBS appealed Judge Haight's ruling and brought in attorney Floyd Abrams to argue the case. In his appeal, Abrams asked the Second Circuit to order Judge Haight to reconsider his ruling on the ground that he had given Lando's First Amendment rights insufficient weight, and that freedom of the press would be compromised by compelling answers to state-of-mind questions.

On November 7, 1977, two of the three Appeals Court judges—Kaufman and James L. Oakes—ruled in CBS's favor. In separate opinions, they voted to return the case to Judge Haight for reconsideration under new principles relating to the state-of-mind

material. The third judge, Thomas Meskill, dissented.

Chief Judge Kaufman concluded that several recent media access cases outside the libel area should be taken into account. He cited Miami Herald Publishing Co. v. Tornillo (1974), in which the Supreme Court struck down a Florida statute requiring a newspaper to print a reply from a political office seeker who had been attacked in an editorial, and CBS v. Democratic National Committee (1973), in which the

Supreme Court stated that a broadcast station could not be forced to accept advertisements.

While neither of these cases dealt with libel issues, Judge Kaufman saw their logic as protecting the editing process against encroachment. He feared that forcing journalists to reveal their thoughts would put a "freeze on the free interchange of ideas within the newsroom. A reporter or editor, aware that his thoughts might have to be justified in a

Illustration by Larry Weil

court of law, would often be discouraged and dissuaded from the creative verbal testing, probing, and discussion of hypotheses and alternatives which are the *sine qua non* of responsible journalism."

Judge Kaufman noted that Herbert had learned what Lando "knew, saw, said, and wrote during his investigation." A jury might draw useful inferences from, on the one hand, what material Lando used and, on the other, from his "failure to heed certain contradictory information. If it chooses to do so...it can find [based on such data], that Lando acted with actual malice or in reckless disregard of the truth." Herbert had enough to go on, the judge said, and to allow him to learn Lando's "thoughts, opinions, and conclusions [would] strike to the heart of the vital human component of the editorial process." It would be likely to discourage the media from covering controversial stories, he added.

Judge Oakes, although concurring with "much" of Judge Kaufman's opinion, and with his conclusion, followed a "somewhat different" logic. He relied extensively on Supreme Court Justice Potter Stewart's famous 1974 Yale speech in which he asserted that the First Amendment should be read as protecting the "press" more than it protects "speech." This would account for apparent Constitutional redundancy in the First Amendment (speech and press are both mentioned there, in other words, because they are not the same thing) and would recognize that the "publishing business" is the only private institution mentioned in the Constitution. Apparently taking his cue from Stewart, Judge Oakes adopted an approach which creates a disparity between media defendants and other defendants in defamation cases, with media defendants deserving greater protec-

Judge Oakes rejected Judge Haight's view that Herbert

should be allowed access to whatever might lead to proof of malice. He found this view simplistic and in conflict with recent cases in other First Amendment areas that had expanded press protection. Even though Sullivan had caused some chilling of the press, because a suit can still be sustained if malice is demonstrated, Judge Oakes held that direct inquiry into the "editorial process" to determine malice would go beyond what the majority in Sullivan had envisioned.

The judge concluded that "the editorial process is subject to constitutional privilege," and that Herbert must prove his case as best he can with other material. The phrase 'editorial process'' would become clearer in future cases. he held, but, at the very least, the Supreme Court in Tornillo found that it included "the mental processes of the press regarding 'choice of material,' duration, and 'content' of the broadcast." Each of the five disputed clusters of questions about editorial state of mind violated the privilege since each related to "Lando's conclusions, opinions, intentions, or conversations concerning people or leads to be pursued. the veracity of persons interviewed, and Lando's reasons for the inclusion or exclusion of certain material."

Judge Meskill's short dissent, upholding Judge Haight's original ruling, stressed that the "major purpose" of a defamation action under Sullivan is to "expose the defendants' subjective state of mind...to the light of judicial review. Obviously, such a review has a 'chilling' or deterrent effect. It is supposed to."

Although Judge Meskill recognized that the request for conversations about matter to be included or excluded from the broadcast might have an incremental chilling effect beyond what the majority in Sullivan had contemplated, he refused to treat this material as privileged.

In short, then, the ma-

jority—Judges Kaufman and Oakes—concluded that Sullivan should not be read to permit a plaintiff to ask defendants about their thoughts and conclusions, even though Sullivan makes these thoughts, as they bear on possible malicious intent, the ultimate test of liability.

Judge Kaufman reached this result on the ground that case law since Sullivan showed it was no longer permissible to allow journalists to be asked directly about their thoughts, opinions, and conclusions. Judge Oakes interpreted these recent cases to require greater protection for the "editorial process" than the Sullivan majority accorded it in 1964. Both judges would also, presumably, permit journalists to waive this new privilege if they found it expedient to do so; that is, a journalist could reveal his own state-ofmind information to demonstrate an absence of malice.

Weighing The Decision

The decision is difficult to interpret. For one thing, the majority judges have taken different routes to the same result. For another, the majority cite no specific questions that Lando need not answer-only the five clusters. (Judge Haight will rule on each proposed question in light of what Judges Kaufman and Oakes have written.) This difficulty is aggravated because Lando and CBS did not draw a sharp line in deciding what to reveal and what not to reveal during the discovery period. They revealed "reactions" to documents that Lando and Wallace had reviewed, for example, but refused to reveal conversations about what to include in the program. How different are the "thoughts, opinions, and conclusions' they protected from the "reactions" they revealed? From this case we get little guidance as to where the boundaries lie.

Furthermore, this is not the first defamation case in which plaintiffs have sought state-of-

mind evidence from defendants, but it is the first in which the defense has objected to the effort. Since such evidence has been presented to juries in many cases since Sullivan, past cases can provide no yardstick for measuring how seriously the Herbert ruling will hurt future plaintiffs. For these reasons, speculations about Herbert's impact must be unusually tentative.

The starting point is that Herbert's strongest evidence before a jury would be Lando's admission that he had lied or had entertained serious doubts about the truth of the show. It would be tempting to conclude that the Second Circuit's refusal to allow questions aimed at such unspoken thoughts will not affect litigation. But there have been enough cases in which an editor has admitted to a jury being "considerably shaken" by certain information, or has looked bad on cross-examination about his state of mind, to suggest that Herbert will indeed affect trial outcomes by restricting such revelations.

If unspoken thoughts were the only information withheld from the plaintiff, how many cases would be affected? In every libel case the plaintiff starts with at least some evidence-the words used and those not used. If the plaintiff can obtain information about the investigation and preliminary drafts of the story, he can begin to build a case by pointing to apparently inexplicable failures to follow certain leads or interview particular persons, or to patterns of deletions occurring between the investigation and the final product. Where these look suspicious, the plaintiff will be able to argue persuasively that the jury should draw the required inference of malice.

The absence of such direct evidence of malice may well make the plaintiff's task harder, but if there are mysterious gaps or distortions the jury may be persuaded nevertheless. In the absence of such overt evidence, it is

unlikely that a reporter would admit to dishonesty or serious doubt about his work in any case. The denial of access to unspoken state-of-mind testimony will thus probably hurt only a few plaintiffs when juries refuse to draw inferences of malice from other evidence. But Herbert is unlikely to keep plaintiffs from going to trial in suspicious cases for lack of access to defendants' unspoken thoughts.

The majority chose to protect mental processes and conclusions. But where is the line between such unspoken thoughts and the rest of the editorial process? Can a court protect unspoken thoughts, opinions, and conclusions, but not those uttered casually in conversations with others, or those written in interoffice memoranda, or letters to friends, or drafts?

From a First Amendment view, there would seem no plausible distinction among types of communication within the newsroom. If there were, larger organizations, such as CBS, would be at a disadvantage if reporters who worked in teams had their expressed thoughts accessible (because they wrote memos), while those who worked alone did not (because they kept it all in their heads). Organizations where written memoranda are commonplace because of size or style would face a greater risk from libel actions. Plaintiffs, on the other hand, would be increasingly handicapped should the category of protected evidence come to include spoken and physical materials. Unspoken thoughts are not likely to tip the balance, but written admissions of doubt (and perhaps oral ones) might.

If the protections accorded the defendants by the majority's decision are construed in their broadest sense—that is, as barring discovery of any evidence relating to the editorial process—then the media can keep plaintiffs in libel suits from getting almost all crucial information.

Preliminary drafts of the script and unused interviews may be considered outtakes, for example, that clearly reveal the editorial process. In other contexts, such as CBS's successful effort to forestall Congressional access to outtakes from The Selling of the Pentagon, the media have fought tenaciously to keep such material from investigators. Will a struggle over the same privilege surface in libel cases after the Herbert decision? And, in addition, will the names of confidential sources for such raw materials - now protected unevenly by lower courts-be guarded with new vigor by news organizations, with judicial support?

The Second Tier

What might be shaping up, then, is the Sullivan rule with a second tier of decisions barring plaintiffs from learning anything directly about: 1) states of mind; 2) drafts or outtakes; and 3) identities of confidential sources. Such a package of privileges would leave few public figure plaintiffs hope of success in a libel action. Short of that extreme, each combination of privileges would hurt plaintiffs to varying extents. It is difficult to tell how this second tier of barriers will actually develop, however, since the possibilities have not been fully exploited by media defendants in libel cases, except in the area of confidential sources. Here the press has prevailed only when the plaintiff has been unable to make a compelling case that he needed the names. On the other two parts of the package, litigation over outtakes is just beginning, and Herbert is the first case to recognize the state-of-mind privilege.

The Sullivan court may well have thought that the heavy burden of proof it placed on plaintiffs was not insuperable because evidence was available to help them meet it. Now that Herbert has made evidence less available to plaintiffs, the basic premises of Sullivan are in

doubt.

One plausible resolution, that would both protect press freedom and leave plaintiffs means to establish their case. would be to distinguish between raw material in all forms and explicit editorial thoughts and conclusions in all forms. Herbert, for example, would be entitled to learn whom Lando interviewed, how often, and what each interviewee said, and to obtain preliminary drafts of the final productbecause this information does not contain statements about state of mind. On the other hand. Herbert would not be allowed access to any material in any form that conveys Lando's reactions to each interview he conducted or document he received, what further investigations were considered and rejected, or why 60 Minutes did or did not follow a lead or include or exclude particular material from the broadcast.

Despite its virtues, such a resolution would have some odd side effects. For example, in a document summarizing an interview and provided to the plaintiff under this approach. blank spaces would replace passages in which the writer expressed an opinion about the veracity of the intervieweejust the sort of incomplete document that journalists object to receiving from the government under the Freedom of Information Act. The defendants in the Herbert case, as a matter of fact, found support for their argument for editorial privilege in the FOI statute's exemption of most intra-agency memoranda from disclosure, in the Supreme Court's practice of closing its conferences, and in the use of closed "executive sessions" by other official bodies. (Is the press beginning to sound too much like government?)

If the suggested compromise should turn out to be still too restrictive for plaintiffs, remedial steps are available. One involves modifying the Sullivan requirement that the plaintiff prove his case with

"convincing clarity." To require the plaintiff to proceed indirectly, as *Herbert* does, without what would be his best evidence, may undermine the requirement because he cannot assuage doubts in the jurors' minds without state-of-mind evidence. The Supreme Court might return to the traditional civil standard of proving cases by only a preponderance of the evidence.

Other rules could be developed by lower courts. One would authorize the judge to inform the jury that plaintiff must necessarily proceed indirectly because he is not allowed to ask certain direct questions in this type of case. Another would negate the advantage that the defense now has in being able to introduce, for its own purposes, the very state-of-mind information that it may now deny the plaintiff. A lower court might rule that neither side may present such evidence. This would amount to a recognition that the privilege is too valuable to be waived by the media even in cases of selfinterest-and would force both sides to rely on inferences.

If experience should show in the future that *Herbert* has tilted the balance too far toward the defense, one or all of these changes would redress it while still maintaining the basic intent of *Sullivan*.

If, however, Herbert is given an expansive reading, and other second-tier decisions eventually protect confidential sources and outtakes in defamation cases, the package would destroy the Sullivan rule. Plaintiffs would be simply unable to demonstrate malice.

The significance of *Herbert* is not that it is a landmark case, but that it suggests that so much has happened since *Sullivan* in other areas involving First Amendment protection that the case can no longer be taken literally. If the Supreme Court recognizes the emerging instability of *Sullivan* and reconsiders the 1964 decision, *that* will indeed be a landmark.

BOOKS

TOOLS OF POWER

'L.A. Times' History Entwined With Sunbelt Interests

Demystifying the consciousness industry.

Thinking Big: The Story of the Los Angeles Times, Its Publishers, and Their Influence on Southern California By Robert Gottlieb and Irene Wolt G. P. Putnam's Sons 603 pp., \$15

The Washington Post: The First 100 Years
By Chalmers M. Roberts
Houghton Mifflin Company
495 pp., \$15.95

BY ANDREW KOPKIND

Critics of the press rarely inspect the great institutions of journalism as they might analyze another industry or a political machine. Students of multinational corporations, for instance, habitually look at balance sheets, investment policies, manpower requirements, and resource allocation.

Students of government naturally investigate employment policies, taxation and expenditures, military posture, and economic expansionism. The industrial and political uses of power are grounded in their raw-material components.

But even the best studies of newspapers-such as Gay Talese's The Kingdom and the Power about The New York Times—set their analyses in the terms of high-level gossip and intrigue among the managers and workers on the staff. The power component is personalized (and the kingdom is mystified) by treating the newspapers as creations and creatures of great men and, occasionally, great women. Newspapers thus become works of art conjured by an auteur, in the way a film is

made by a director or a ballet by a choreographer. The complex and contradictory effects of the newspaper—on its employees, its interests, and its community—are explained only as consequences of power struggles between forceful personalities, of dynastic feuds and bureaucratic maneuvers.

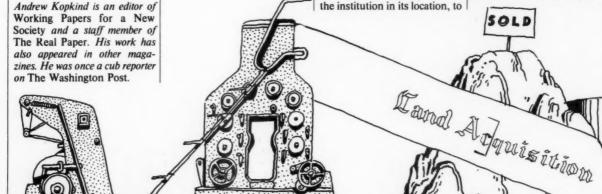
Tales of power of those kinds make titillating reading, and can convey some of the surface reality of the institution at hand; they are not worthless exercises. But there is another way of scrutinizing the press that plumbs its deeper structure of power, and relates a newspaper's journalistic functions to its institutional foundations. Seen that way, a major newspaper is very much like a major corporation or a strong government: an instrument for collecting, combining, and asserting power. How a newspaper uses its workers, how it accumulates its capital, how it extends its holdings, how it distributes its resources, how it invades the political and social structure-all of that is crucial to an understanding of its journalistic role.

First of all, the institutional weight of a newspaper (or other news medium) determines the impact of its news, the credibility of its reportage, the effect of its opinions. But more than that, the particular ways in which that weight is thrown around are related to the historical development of the institution in its location, to

its political connections, to its economic entanglements. When a newspaper becomes firmly established in a community, it serves—and is served by—a constituency whose demands, needs, and perspectives are expressed subtly or directly in every issue.

An analysis of the power structure of a great newspaper-as these two books show in their own ways, by explicit argument, or negative example-is no idle pastime, but a method for making sense out of journalistic history. The Los Angeles Times could not have happened just any place that Harrison Gray Otis, its first publisher, happened to settle. Its course is logically entwined with the historical development of Southern California, with the economic opportunities and limitations of that region, with the political movements that have swirled around it for almost a century. The appearance of the Los Angeles Times today, the conditions under which its staff works, its presence in California, and its power in the United States are all bound to that economic and political history.

The story of *The Washington Post* should be seen in those same terms. Its development has been profoundly influenced by the history of the national capital as a city and a seat of government. None of the myriad events in the centurylong life of either paper was



inevitably determined by its institutional development, but all were logical products of its structural growth. Without reference to that structure, the histories of the newspapers are mere collections of random decisions and fortuitous whims of their publishers, and accidents of their times.

The turn of mind and the habit of analysis that formulate an institutional rather than an accidental approach to history are more prevalent in America now than several years ago; but the mystique of the press usually manages to discourage such an approach when journalistic enterprises are considered. Most students of the press, like most reporters, still have a hard time seeing the connections between information and power, between the forces of economics and politics and the ephemera of news and opinion.

One consequence of that difficulty is the separation of the process of informationgathering from the process of power-gathering, the divorce of the uses of news from the uses of business. What goes on in the city room is supposed to be walled off from what goes on in the boardroom; an ideology of journalistic independence and freedom of the press solemnifies the distinction between the two "sides" of the institution. Most journalists believe that the news is contaminated and truth is compromised by interference from the paper's business interests. They are correct in that belief,

perhaps, but the imperative of maintaining the distinction often causes neglect of the fundamental fact that both sides are enmeshed in the operation of the same powerful machine.

On the information side, the news is validated and its effect is magnified by the power of the institution; the greater the power of a particular press, the more readily are its assertions taken seriously. It is perhaps obvious to everyone that an exposure of the CIA in The New York Times means much more-in political practice and in its effect on consciousnessthan the same story in an underground newspaper. But that happens not only because the *Times* is big and important, but also because of the ways in which the Times is big and important. The elements in the power position of the Times condition the news, give it a social reality, put it in an historical perspective. The truth is never self-evident; it is evident when it is printed in The New York Times, The Washington Post, the Los Angeles Times.

From the other side—the corporate role of the press—the news is an instrument for supporting or extending the interests of the institution. The news is not only what the paper sells, or what sells the paper: it is the way the institution manipulates consciousness. For example, the vast corporate holdings of the Times Mirror Company depend on the development of the Los Angeles region as a global metropolis.

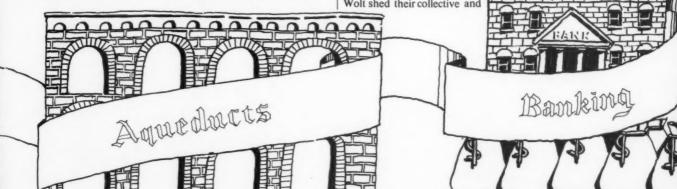
Quite apart from specific stories that promote one or another pet policy of the Times's owners, the steady stream of Los Angeles Times journalism is directed to encourage that development. The growing reputation of the Times as a "great" newspaper in itself promotes the image of Los Angeles as a great metropolis. Reporters cannot escape their instrumental roles in the life of the institution that pays their salaries, confers status, and gives a certain importance to their work.

The analytical, institutional approach to newspaper history informs Robert Gottlieb's and Irene Wolt's weighty study of the Los Angeles Times. Their researches began as a project of a political collective doing radical "power-structure analysis" of the newspaper, much as the activist-intellectuals of the New Left went about researching Harvard University, the ruling elites of Mississippi, California agribusiness, or the J.P. Stevens textile company. They asked a set of questions about the Times quite different from those usually posed by press critics: What does the Times company own in addition to the newspaper? How do those holdings affect its journalism? How has its reportage served its institutional interests? What has its relationship with labor meant for its development? How have its publishers made their presence felt in the composts of culture and politics in California?

Along the way, Gottlieb and Wolt shed their collective and

acquired their own institutional support-a publishing house that is part of the MCA entertainment conglomerate. But they maintained their radical attack. There is plenty of detail and an exhaustive chronology of incidents-much more, I think, than anyone but the most dedicated student of California history would need, or want to know. The density of detail and the humorlessness of their attack will defeat most readers. After 600 pages, I felt as though I had lived through every press run of the Los Angeles Times from 1880 up to yesterday. But those who can summon the stamina for a long siege with Thinking Big will find that at last a newspaper makes sense as an institution, as an organization of manpower and materials, not merely as a medium for messages.

Gottlieb and Wolt have set the Times in the framework of Southern California's unique development: "The story of the phenomenal expansion of Los Angeles and that of its leading establishment voice have always been intimately related." The Chandlers-descendants of the Times's great tyrant-publisher, Harrison Gray Otis-have been paramount leaders of the regional ruling circle because they know intuitively how to exploit that relationship. They bought into local land, water, banks, and business; but they also invested in the consciousness indus-



ustration by Steven Guarnacci

try, which was an important element in regional control.

It is hardly necessary-or wise-to postulate any direct or sinister conspiracy on the Chandlers' part in that effort. Gottlieb and Wolt do not maintain that the Chandlers ever put their plans into the kind of schematic perspective that can be seen far away and after the fact. The Chandlers were doing what comes naturally. They spoke in the effective rhetoric of their generations and covered their tracks with the earnest ideology of patriotism, profit, and liberty. Harrison Otis, for example, had been a supporter of labor unions in his youth in the Middle West. When he came to California and took hold of the area's campaign for economic development in the 1880s, he turned bitterly anti-union. Mere recognition of a labor union was, he once said, "a euphemism for a form of oligarchical despotism, which if it could be put into practical realization, would destroy the liberty of every citizen, turning the most sacred of citizenship rights into an empty boast and a profanation." He led the antiunion wars of the Southland and endured bitter battlesincluding the still controversial bombing of the Times offices in 1910, which resulted in the death of 20 people.

Los Angeles needed to attract Eastern industry to grow in those days, and—what with the added costs of transportation and distribution of goods in the remote far West—its competitive advantage as a continental center lay in a cheap, easily manipulated, and abundant labor supply. Otis, intimately connected with local economic powers, took his paper into the lead in making Los Angeles an anti-union town

Otis was a civic reformer when reform was necessary for expansion, and reactionary when progressive politics threatened his holdings. He fought the Southern Pacific Railroad when it challenged his own hold on Los Angeles. But when he realized that the railroad "octopus" was a potential ally rather than a competitor, he combined forces with its owners and abandoned its progressive enemies. For, despite the wild flights of ideological rhetoric, the Chandlers knew how to reverse their field when change was necessary for the future of their empire. In time, they came to accept even the specter of unionism in Los Angeles (though not at the Times) when the local economy depended on stable, big-time relations with workers.

Harrison Otis's son-in-law, Harry Chandler, came to control huge parcels of land and the finance institutions banks, mortgage companies, and title-insurance firms—to support them, Gottlieb and Wolt write. All he needed was the water to make the desert-

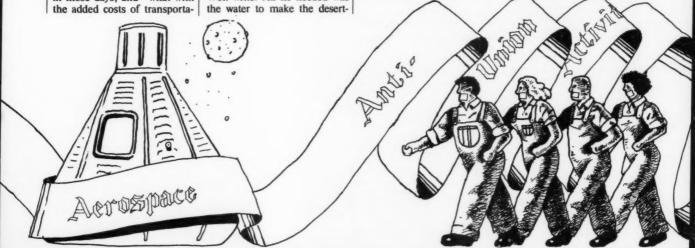
dry land habitable, and so he "bought" that too-by using the Times and its political weight to promote public bond issues for water development. Before the crucial vote on aqueduct construction bonds in 1905, the *Times* and its wholly owned water commissioner created a "water scare" to frighten voters into approval. There were stories every day like this one, two days after announcement of the aqueduct proposal: "Facts relating to water development which have been kept secret lest they create a panic are now freely discussed." And panic, Gottlieb and Wolt remark, "was precisely what the Times and its allies helped create." The voters were duly frightened into approving the bonds, and Chandler's land syndicates accelerated their sprawling development of the basin, with the public footing the bill for its essential water resources.

Harry's son, Norman, Norman's wife, Dorothy ("Buffy"), and the current scion of the family, Otis Chandler, have kept the paper on the crest of the Los Angeles boom. In the early 1960s, Southern California was confirmed—in practice as well as statistics—as the population center and the economic heart of "Sunbelt" expansion. That development was proclaimed and promoted by the *Times*, the region's chief purveyor of

information; in so doing, the paper itself took on a new national role. The Chandlers acquired national properties-Newsday in Long Island, The Dallas Times Herald, the New American Library, paper and pulp companies, TV and cable outlets, magazine and publishing corporations, "information services," and ever more real estate. What was good for the Southwest was good for the Los Angeles Times-to the point where the Times Mirror Company became the biggest media conglomerate in the country:

No newspaper can get everything its owner wants, but if it commands enough levers of power in its community it can set the important terms of debate. The Times has not elected every candidate it backed or won every skirmish of public policy it entered. But it has advanced its overall interests in countless ways, every day, by promoting the expansionist ethic in California's Southland. That, after all, has been what the Times has been about these 96 years-thinking, being, and doing big. The bigness-the development and expansion of the region along lines that serve the Times's interests-is the context in which Times journalism has been played.

Occasionally its methods are heavy-handed: In 1975, architecture critic John Pastier



was fired after he wrote an article attacking plans to relocate the city's library in the old downtown center of Los Angeles, near the Times offices. Gottlieb and Wolt say that the project was heavily promoted in the paper's editorial columns because it fit into the conventional urban scheme for Los Angeles business and political interests. Centralization of culture and commerce is advantageous for centralized economic and political power. Pastier's piece never ran. He was told his approach was concerned with such irrelevancies as "urban density and environmental factors"-considerations which apparently argued against the Times's ideas for business development.

But despite such blatant behavior, Gottlieb and Wolt argue, the Times has become more sophisticated in the exercise of its power. As its city became a national metropolis and the Times Mirror Company accumulated national properties, its paper took on a "national" tone—the respectable sounds of established journalism. Again, the authors argue, the demands of the institutional base were reflected in the journalistic product. The Times was no longer the voice of a small, local business class, but spokesman for had to have a local angle.

In the old days, the classic Times joke-headline was "L. A. Dog Bites L. A. Man." But now the paper opened national and international bureaus, won Pulitzers, hired liberals and women and ethnics, and assumed an aura of culture and responsibility. By doing good it did well. Its new expansions were in cultural as well as business directions. Where once Harry Chandler bought tracts in the San Fernando Valley, his daughter-in-law, Buffy, "bought" a cultural center in downtown Los Angeles, by raising the money and establishing herself as the overseer of high culture in Southern California. The Times interlocked its operations with art museums and educational institutions: Franklin Murphy, chancellor of UCLA, became chairman of the Times Mirror Company.

This synopsis of the Times's evolution does not convey the full weight of the authors' analytical methods, which tie the company's social and economic position to its journalistic presence at every juncture. "The Times," they write, "provided the primary 'historical' identity for Los Angeles-the continuity of wealth and power-as the 'class paper' most responsible

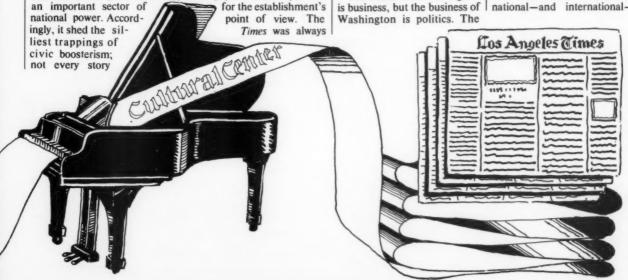
conscious of its history....It asked rhetorically in its seventy-fifth anniversary edition: 'Has any newspaper ever played a greater role in the development of a region?' 'To tell the story of Southern California is to tell the story of the Times The two fit like pages in a book.'

A little more power-structure analysis-relating the institution's material base to its social function-would have done a world of good for Chalmers Roberts, a "veteran" Washington Post reporter whose history of his favorite newspaper has all the density and detail of Gottlieb's and Wolt's study with none of their conceptual depth. Whereas the authors of Thinking Big were never allowed access to the Chandlers or the Times's records, Roberts was deluged with help from the Grahams and the Post's staff. It shows. His book is the most conventional of authorized biographies. It asks the painless questions-"Who did what, when, where, and how?"-but avoids the deeper "why?" Roberts knows all the anecdotes; the management obviously trusted his discretion and his point of view. But he is too worshipful of the current regime at the Post to examine the underlying facts of its nower

The business of Los Angeles

genius of Eugene Meyer-who bought the Post in a bankruptcy auction in 1933-was expressed in the manipulation of political power, just as Harrison Gray Otis and his heirs used the power of land and water out West. Meyer's success was expanded by his daughter Katharine and her husband Philip Graham. They saw the new shape of politics in the late 1950s and early '60s and identified their newspaper with it: welfare liberalism, global expansion, consumer culture. They formed alliances with the new movers and shakers: Graham was one of the earliest supporters of John Kennedy, and the Kennedy people and the Post seemed to constitute a recognizable clique in Washington in those years. There was friction, of course, over specific issues; but, by and large, the institution of the Post was folded into the social and political establishment of the

That was not simply a case of a newspaper becoming part of the establishment. Just as the Times provided an "historical identity" for Los Angeles, the Post offered a contemporary identity for the new Washington. There were other curious similarities between the two papers from that moment. Both broke out of their provincial boundaries to become national-and international-



institutions, and that new role affected their self-image and outward presence. The managers of both papers fired their somewhat old-fashioned operating editors and hired hotshot personnel. There was to be more investigative journalism, more entertaining features, more personal writing, more cultivation of the trendy market. Attributes of many newspapers, perhaps, but these papers did it first and with a touch of class that preempted the competition.

Both papers opened bureaus all over the world and took on expensive new reporters, some of whom became stars of a kind. Both acquired national media subsidiaries-the Post bought Newsweek and joined with The New York Times in taking over the Paris-based International Herald Tribune. The two papers even forged a national news service together. (One of the most striking similarities is that both papers were run-in practice or in fact-by the women of the families: Buffy was the power behind her husband Norman in Los Angeles, and Katharine took over when her husband Philip committed suicide in 1963. The reasons and the consequences of their prominence are complex-and their rise may have been largely coincidental in time. But the importance of these particular women in an historical moment when feminism, high culture, and chic took on new "cash value" must certainly have contributed to the images, and success, of their papers.)

Both papers became "great" in those years, which means that they were taken seriously by a national audience and they could exert substantial influence on policy over a range of issues. Both were wedded to new elites in their regions, whose interests they voiced. They were credible because they were placed in the political and social contexts where truth—news, facts, opinions, perspectives—are validated. But the way Roberts tells it in

TIMES MIRROR PROFILE

| DIVISIONS | 1976 Revenues | % Total | Net Income Before Taxes |
|----------------------------|-----------------|-------------|----------------------------|
| Newspaper Publishing | \$ 426,136,000 | 40 | \$ 48,478,000 |
| Newsprint, Forest Products | 262,738,000 | 25 | 32,382,000 |
| Book Publishing | 173,057,000 | 16 | 22,580,000 |
| Other Operations | 188,640,000 | 18 | 28,358,000 |
| Corporate | 3,198,000 | less than 1 | (2,946,000) |
| Total | \$1,053,769,000 | | \$128,852,000 |

OWNERSHIP & SUBSIDIARIES

Newspapers: Los Angeles Times, Newsday (Long Island), The Dallas Times Herald, The Sporting News, Orange Coast Daily Pilot, Los Angeles Times-Washington Post News Service

News, Orange Coast Daily Pilot, Los Angeles Times-Washington Post News Serv (50 percent).

(Chartpak, Pickett, Plan Hold), Denoyer-Geppert, Times Mirror Press (directories).

- Magazines: Outdoor Life, Ski, Golf, Popular Science, The Sporting Goods Dealer, The Journal of Hand Surgery.
- Broadcasting: KDFW-TV (Dallas/Forth Worth), KTBC-TV (Austin), TM Communications (cable TV in Southern California, St. Louis, Long Island, and elsewhere).
- Newsprint: Publishers Paper Co. (Oregon)
- **Book Publishing:** New American Library, New English Library, Ltd., The Southwestern Company, Year Book Medical Publishers, Matthew Bender & Company (law), Harry N, Abrams, Inc.
- (art), The C.V. Mosby Company.

 Other Operations: Jeppesen Sanderson, Gousha/Chek-Chart, International Technical Graphics

the case of *The Washington Post*, greatness sprang from the forehead of Phil and Kay Graham, via the DNA of Eugene and Agnes Meyer. Their creative leadership propelled the *Post* into national prominence, with luck and

pluck and a constellation of star

reporters.

The way Gottlieb and Wolt describe it in the case of the Los Angeles Times, greatness came as a function of the institutional development of the paper. The undoubted leadership of the owners was

expressed first in making their papers powerful as corporate organizations. Good journalism (maybe) was a secondary effect of that power.

The difference is important, and much more than a chicken-and-egg question. Newspapers and other media are peculiarly mystified because they work in intangible ways on our minds and our behavior. No other business institutions intrude so insistently on our everyday lives, or so mysteriously. We know about oil companies and auto

manufacturers and cosmetics firms. But we continue to believe that information companies are somehow different. There are differences, of course; but the substantial similarities have always been inadequately examined. It is not yet part of the common vocabulary of criticism to point out that the news and the truth have material and institutional roots. Gottlieb and Wolt at least offer an example of how that validation process works, while Roberts prefers to maintain the old mystery.

THE ONLY COVER-UP "MORE" WILL EVER BE INVOLVED IN.



| To: | MORE T-Shirt | |
|-----|---------------------|-------|
| | 40 West 57th Street | |
| | New York, New York | 10019 |

Please send me____shirts (s) at \$4.95 each, tax included.

☐ Boy's Lg. 32-34 ☐ Sm. 34-36 ☐ Med. 38-40

☐ Lg. 42-44 ☐ X-Lg. 46-48

NAME Please Print
ADDRESS

ROSEBUD

CALIFORNIA DREDGING

'S.F. Bay Guardian' Expose **Blocks Federal Appointment**

Weekly forces laundering scheme probe.

BY LEONARD SELLERS

Rosebuds to the San Francisco Bay Guardian for mixing outrage with some hard-nosed reporting, and keeping a possibly corrupt Bay Area politician from becoming an assistant secretary of Interior in the Carter administration.

The politician is Robert Mendelsohn, a liberal Democrat who, at 29, became the youngest supervisor in the city's history 11 years ago. Since then, he has built a local political base and run unsuccessfully for state offices. Early last year, he was nominated for the high position at Interior, where he was to be responsible for policy planning, budgeting, and environmental impact statements.

The Bay Guardian, an "alternative weekly," is a product of the 1960s. It still mixes good local political reporting in among its entertainment guide. reviews, and lifestyle fare. On March 17. Editor and Publisher Bruce Brugmann took on Mendelsohn's pending appointment, calling him "no guardian of natural resources" and arguing that "he must be held accountable for the wrong turns he's taken and for the big national job he's after." Eight months later, after a battle involving the California Fair Political Practices Commission. the Carter Administration, and

Robert Mendelsohn, no longer headed for Interior, faces civil suit.

Senator Henry M. Jackson's | Energy and Natural Resources Committee, the nomination was withdrawn.

The Bay Guardian had kept its eye on Mendelsohn since 1973, when, on a tip from one of his campaign interns, it disclosed that he had not reported a \$12,000 campaign loan from a utility company executive. Mendelsohn called the omission an oversight and quickly filed an amended reportwhich listed another \$18,500 in loans and \$65,000 in previously undeclared contribu-tions. "We have been doing a steady series of stories on Mendelsohn that the local press didn't cover, because they supported his development policies," Brugmann

When word leaked out last February that Mendelsohn was up for a Federal job, Bay Guardian reporter David Johnston the story flowed from there."

soft-spoken, the 31-year-old

writer has much in common

with the rest of the Bay Guard-

ian staff: long hours, little pay,

and a suspicious nature. He

stayed on the phone to Wash-

ington agencies until someone

at Interior confirmed the story.

Mendelsohn himself would

only confirm that he was

"pursuing a job in Washing-

ton." That was the last time he

Johnston stayed on the

story. "I started at the most

logical place, his financial

reports," he says. "They auto-

matically raised questions, and

would talk to the paper.

Brugmann was not content with merely publishing weekly revelations about Mendelsohn's past for his 30,000 readers. He wanted results. But the rest of the Bay Area media seemed to avert its eyes from the story. When the AP carried an account of Mendelsohn's debts on April 23, for example-which both The New York Times and The Washington Post picked up-neither the San Francisco Chronicle nor the Examiner ran it. The Chronicle simply ran his denial the next day.

Brugmann began firing off letters to the Senate committee and its chairman, Secretary of the Interior Cecil Andrus, California Senator S. I. Hayakawa, the Board of Supervisors, the Chronicle, and anyone else possibly connected, concerned, or curious.

"Look," the editor says, "he

got interested. Bearded and had a bad conservation record, a special-interest voting record, and campaign debts. We just couldn't see him for a key policy job at the Department of the Interior. When the Examiner. the Chronicle, and the local television stations don't pick your story up, you get it out the best way you can.

> Brugmann also began pounding on the doors of the California Fair Political Practices Commission (FPPC). which was created by referendum in the wake of Watergate to monitor state elections and investigate irregularities. It had been spending most of its time educating politicians and keeping track of their financial statements, and hadn't seemed interested in pursuing the leads the Bay Guardian was turning up. John Keplinger, who handles the commission's press relations, says that, "The Bay Guardian role was important. They raised questions about Mendelsohn's campaign reports...that the campaign reports had conflicting figures."

> Larry Liebert, a Chronicle reporter who handled the story for the paper's Sacramento bureau, says simply: "Without the Bay Guardian, the FPPC wouldn't have pursued the story."

> Finally, in June 1977, Brugmann filed a formal request with the FPPC that Mendelsohn be investigated, which, under the law, it had to act upon. The U.S. Senate decided to delay Mendelsohn's confirmation hearings until the FPPC could complete its work.

That month, with the paper's help, the FPPC uncovered its first laundering operation, a 1974 scheme in which \$26,500 had made its way to Mendelsohn from Transcentury Propertieswhose proposed development scheme in Bodega Bay Mendelsohn had supported as a member of the Coastal Commission. The trail for \$16,500 of the amount led from Transcentury, to businessman William Grader, to Coastal Commissioner Wanda Zankich (who owns a quarter of a

Leonard Sellers is an assistant professor of journalism at San Francisco State.

million dollars of Bodega Bay property and also votes pro-Transcentury), to Zankich's sister, Louise Drob (a telephone operator with no history of political contributions). On May 20, 1974, Drob turned over the largest single contribution in the campaign to a Mendelsohn committee. Mendelsohn would later say that he saw nothing unusual in this.

On November 11, 1977, after Brugmann had twice gone to court to force the hand of a dilatory FPPC, the commission weighed in with its report. Daniel Lowenstein, the FPPC's chairman, announced that the commission would file a suit against Mendelsohn, his campaign treasurer, William Grader, Transcentury, and its president, charging that \$26,500 in laundered funds were channeled into Mendelsohn's campaign and that "a conspiracy to cover up the true source [of the funds] still exists.'

Mendelsohn, announcing that he would fight the suit "with every fiber of my being," withdrew his name from consideration for the Interior post. Secretary Andrus expressed confidence in his nominee and promised that, "After the court acts favorably, I intend to recommend that Mr. Mendelsohn's name be resubmitted to the Senate early next year [1978]." The FPPC went to court, seeking close to \$100,000 from the defendants. The Bay Guardian, out in front as usual in this matter, is trying to get the case before a grand jury. The District Attorneys of San Francisco and Sonoma counties also are actively looking into it.

Most of the San Francisco media is continuing to play journalistic peekaboo. The Chronicle, with the largest daily circulation in northern California, played the story with the same intensity as an outbreak of the Black Pod cocoa blight in Ghana. Then, 12 days after the FPPC report, it announced editorially that the commission "has not proved useful." The

Examiner assigned reporter James Finefrock to cover the story, but mostly limited him to event-oriented pegs. When the laundering scheme was revealed, however, Finefrock did an in-depth, meticulously researched story that even the Bay Guardian called "the finest to date." The Examiner's editorial posture—from an oped piece by Mendelsohn's lawyer to a simpering column by a society writer—was strictly pro-Mendelsohn.

Finefrock freely acknowledges the importance of the Bay Guardian's role. "The FPPC would not have investigated without the Bay Guardian complaint," he says. "That kind of action could not have been taken by a major newspaper. The paper kept the story going—they prodded the FPPC and the other papers to keep on it."

Thayer Walker, a reporter for KRON-TV and possibly the only local broadcaster to take a serious run at the Mendelsohn story, blames the lack of broadcast coverage on a simple fact: "If local newspapers aren't on it, it's a non-story. And, unfortunately, few broadcast newsrooms read the Bay Guardian."

Robert Mendelsohn, blocked, for the moment, from the Interior Department, is on the federal payroll nevertheless, with a \$168 per diem. He is supervising some sidewalk construction in Washington for the Pennsylvania Avenue Development Corporation, a federal agency on whose board—appointed by President Carter—Interior Secretary Andrus sits.

Should the Secretary move to honor his renomination pledge, the Bay Guardian will be ready. "The FPPC report left a number of unanswered questions," says David Johnston, "the basic ones being: How much did Mendelsohn know? Was this laundering scheme isolated or part of something larger? Where else was Transcentury involved? That's what we find out next."

Walter Bagehot British journalist and economist 1826 - 1877

THE BAGEHOT FELLOWSHIP



Have you ever found yourself over your head covering business stories? Would you like to obtain a deeper understanding of business, economics, and finance?

The Walter Bagehot Fellowship Program in Economics and Business Journalism, named after the distinguished British journalist and economist, is designed to help supply that understanding. Administered by the Columbia Graduate School of Journalism, the Bagehot Program offers ten fellows a full academic year of study at Columbia University. It includes courses at the Columbia Business School and other university departments plus special seminars and informal meetings with prominent guests. Editor & Publisher has called it the "granddaddy" of the mid-career business journalism fellowships.

Eligibility. The Bagehot Program is open to editorial employees of newspapers, wire services, magazines, and broadcast stations with at least four years experience. Applicants need not be business specialists. But they should be able to demonstrate that greater knowledge of economics, business, and finance could add depth to their reporting.

Financial support. The Bagehot Program is funded by several major corporations, though the Columbia journalism school retains control over the curriculum. The fellows receive free tuition and a stipend of \$13,500.

Application. The deadline for the 1978–79 academic year is April 8, 1978. For further information, send in the form below.

To: Chris Welles, Bagehot Program Director Graduate School of Journalism Columbia University New York, New York 10027

Please send me further information and an application form for the Bagehot Fellowship Program for 1978-79.

| NAME | POSITION | |
|---------|----------|-----|
| ADDRESS | | |
| CITY | STATE | ZIP |

More More

To My Friends
S12 a Year for the First Subscription
And \$9 a Year for Each
Additional Subscription

Your gift subscription order will be promptly acknowledged. An appropriate gift announcement, from the publisher, will then be sent to your designated recipients.

| CHI Subscription: | | |
|--|---------------------|--------|
| Name | Please Print | |
| Address | | Apt. # |
| City | State | ZIP |
| | | |
| Gift subscription: | | |
| Name | | |
| Address | Please Print | Apt. # |
| | 2 | 7119 |
| | | |
| Gift subscription: | | |
| Name | DI. | |
| Address | d memory a restrict | Apt. # |
| City | State | ZIP |
| | | |
| ☐ Payment enclosed. | ☐ Bill me, please. | |
| ☐ Also enter or renew my own subscription. | wn subscription. | |
| From: | | |
| Address | (Name) | Apt. # |
| City | State | ZIP |

FIRST CLASS Permit No. 55919 New York, N.Y.

BUSINESS REPLY MAIL

No Postage Stamp Necessary if Mailed in the United States

Postage will be paid by

More

P.O. Box 955 Farmingdale, N.Y. 11737

IT TOOK THE MEDIA TO KEEP THE GOVERNMENT HONEST. BUT IT TAKES "MORE" TO KEEP THE MEDIA HONEST.



MORE watches the media while the media watches you

What if the news reporters, TV commentators, gossip columnists and media gurus who helped write the Watergate story did as thorough a job investigating their own business?

What if Woodward and Bernstein found a Deep Throat somewhere in the bowels of the Times?

Or if Barbara Walters put Barbara Walters under the microscope?

That's the kind of thing that happens each month in the pages of MORE, the Media Magazine.

MORE covers the media like the media itself covers a big story. By looking for sources and listening and digging and watching every word and reading between the lines. By getting behind the scenes and into the back rooms and conference rooms, providing the stories behind the stories you get and the stories behind the stories you never get.

At MORE, we get media people to tell us things they'd never tell anyone else. And we get the very people who report, comment and advertise to write things about reporting, commentating and advertising they could never write anywhere else.

For example we've explored a family feud at the *Times* that may have been responsible for Daniel P. Moynihan becoming a U.S. Senator. We examined the power of a handful of editors at *Time* and *Newsweek* to create and destroy rock stars overnight. We interviewed the controversial *Los Angeles Times* reporter who said that journalists should "lie, cheat, steal or bribe to get their story." And MORE ran the Nora Ephron media column that *Esquire* killed and the profile of Rupert Murdoch that *New York* wouldn't run.

We've given the business to the news business, advertising, movies, publishing and the entire communications industry. And don't think they haven't started watching their words a little more closely now that they know someone else is.

So if you subscribe to the idea that someone should be watching the media like the media watches everyone else, subscribe to MORE.

| I | WANT | TO | KEEP | THE | MEDIA | HONEST. |
|---|------|----|-------------|-----|--------------|---------|
| | | | SEND | ME | MorE. | |

| 31 | IND ME ME | ore. | | |
|---|-----------|-------|-----|--|
| Please enter my subscription immediately. | Name | | | |
| ☐ \$12 for 1 year (12 issues) ☐ \$21 for 2 years (24 issues) | Address | | | |
| \$30 for 3 years (36 issues) | City | State | Zip | |
| ☐ Payment Enclosed ☐ Bill me | Signature | | | |
| A THE METER METER METER TO | | | | |

Add \$2.00 per year for outside U.S. and Canada. Please allow up to 4 to 6 weeks for delivery of first issue.

MO47

LITERACY

THE YEAR THAT WAS

Or, How To Write A Christmas Column

Reviewing the pundits of vacuity.

RY

ALEXANDER COCKBURN

"History is not to be measured in years or by calendar-worshipers, but the world is changing, very slowly, but maybe faster than is generally realized."

-James Reston Christmas Day 1977

Once a year, round about the end of December, the waters recede, and the bottom of the barrel heaves into view, ready for the scraping. Columnists buckle to for that most demanding of all assignments: the end-of-year essay. And the 1977-78 transition was, of course, no exception. Pleasing to all who feel that the business of journalism is essentially to affirm rather than to deplore was the fact that 1977 got, considering the state of the Dow, the state of the dollar, and the incumbency of Jimmy Carter. surprisingly good reviews.

We'll come to the reason for this in a moment, but first an introductory word on the taxonomy of year-end columns.

Novices usually opt for the almanac approach, doggedly listing everything that, in the space of an hour or so and a trip through the clips, they can remember about the previous year. Such novices usually forget the elementary rule of this technique—which is to select memorabilia solely from

November and December, the only months even dimly retained in the reader's memory.

Others perform variations on primitive accumulation of newsworthy episodes. They list the contents of their address books, announce their New Year's resolutions, and so on and so forth. Such annual turns can become as nostalgic and comforting as the thought of Santa Claus for children: Safire's multiple-choice quiz about the coming year is an obvious case in point; that a pundit should announce twelve-months worth of mistakes in advance is a source of perennial surprise and pleasure.

Some columnists shirk their seasonal duties, preferring to carry on as usual, as though nothing untoward-viz., a heightened expectation of tedium on the part of the reader-was going on. Consider Tom Wicker, for example. On Christmas Day he just whickered: "Coming on top of Judge Frank M. Johnson's unwelcome withdrawal as the prospective new director of the FBI, the disagreement within the Justice Department on the prosecution of [former FBI agent] John J. Kearney can only make matters worse for the troubled bureau.'

I yield to none in my admiration for Wicker, but this is a singularly inconsiderate piece of writing. In that abyss of the human spirit that occurs between the Christmas stocking and the Christmas turkey, he demands of us that we concern ourselves about the future of the FBI. The reader, sensing at once that there is absolutely no sense in worrying about the FBI on Christmas Day, falls to brooding about the pointlessness of life in general and of newspaper columns in particular. Wicker, in consequence, damaged himself and struck a low blow at the human condition.

Wicker, I feel, should have risen to the occasion. The same is not true of Evans and Novak. Christmas is, by the very nature of things, an episode divorced from their pitiless instincts and idiom. They know better than to share in the jolly festivities. For them, on Christmas Day, the spirit of Scrooge: "The overflowing inbasket that has become the trademark of this presidency not only means Carter may be devoting too much time to the wrong activity, it is also viewed inside the administration and on Capitol Hill as a source of positive harm. Put bluntly, the President in solitary contemplation sometimes gets the wrong ideas about matters better left to the experts. This remarkable fact tells much about bitter disappointments of the first Carter year felt by many of his supporters

Or Anthony Lewis. Can we imagine him, should we ever see him, in the genial motley of the Christmas jester? Never. He must wing forever through the liberal empyrean of a higher thought. His Christmas column, datelined December 25, started, "Christmas talk of peace and good will is mocked. most years, by the reality of human discord: Our stubborn conflicts of race and nation and ideology. This year the world is reminded that man's yearning for peace can also be a powerful reality, psychological and political. When Anwar Sadat went to Jerusalem " The reader, confronted with the thought of a man actually thinking, composing on

Christmas Day, is left chastened and with a proper sense of awe.

But the mention of Sadat gives us the clue to the year's good reviews. It is important to remember how infinitely frail and delicate a thing the seasonal column is. Very often the columnist's entire perspective on the year just passed and the year ahead are anchored in the events immediately surrounding the feast day. A really good mining disaster on Christmas Eve can recruit, sometimes within minutes of the event itself, emotions of gloom among the pundits which are transferred forthwith into the homes of the American people, giving them cause for despondency about the year ahead. If only Nixon and Kissinger had managed to postpone the Christmas bombing of Hanoi to the dog days of early February, things would have been very different.

But this year, just in time for Santa, we had the prospect of "peace in the Middle East" and thus the season and the year to come recruited for optimism. In his most cheerful robes, the Archbishop himself set his seal upon the season.

"But in this city," wrote James Reston, "while the conflicts between memory and hope go on, the predominant spirit here is still with the optimists, the innovators, the people who think we can do better in the coming year both at home and abroad. You can scarcely go anywhere in this crowded, distracted, and pessimistic world these days without feeling the force of this American optimism. It sounds presumptuous, but it's a fact." On and on went the paean to manifest destiny: "Did President Sadat of Egypt and Prime Minister Begin of Israel fail to agree about the Palestinians and a 'comprehensive settlement' in the Middle East? Yes, but maybe the United States could find a way to make them see that some progress had been made and that some compromise was still possible . . . None of the other leaders of

Alexander Cockburn writes a regular column of press criticism for The Village Voice.



the major nations are doing as much as Mr. Carter to avoid tribal war in Africa, trade war among the industrial nations, nuclear war and an arms race among the most powerful nations, or another war along with another oil embargo in the Middle East . . . This is why, for reasons that many people don't quite understand. President Carter is going off to Eastern Europe, the Middle East, India, and elsewhere at the turn of the New Year: to remind people, as the historian Arthur Schlesinger Jr. has put it, of 'hope in an age of memory'; and also to remind them that the United States still believes in human liberty, and in the possibilities of change and improvement in each successive year."

There is an evident nullity about these sentiments, which brings us to the epicenter of the seasonal column. They say that the mark of the professional journalist is the ability to write about anything. Not so. The truly distinguishing feature of the seasoned hack is the ability to write about nothing.

Take one of the masters. George Will, for example. "Man," he began in the yearend issue of *Newsweek*, "is the least genetically determined, so the most free, for good or ill, of God's creatures. Occasionally, Nature with a flick of her wrist gives a chastening lesson in the breakableness of human arrangements. In 1755, there was the Lisbon earthquake lwithout which no journalistic

essay on the human condition is complete]. In 1977, a much smaller flick, lightning striking electrical equipment, demonstrated in New York that complexity means fragility in society. In January, Americans were preoccupied with an impersonal force, weather. But in December, they were stirred by Mideast diplomacy, which was a demonstration of the importance of choices in history."

Nothingness, coralled with accomplished grace into a paragraph.

Or take Roger Rosenblatt, on the op-ed page of The Washington Post. December 26: "This is the season when columnists and other touts spread the past year before them like a military map, point out the ups and downs, and sometimes, if they're feeling heady, make predictions about the year to be. The assessments and predictions are based on events arranged in an intelligible order so as to develop patterns. The patterns show the directions taken by individual aspects of culture and the general direction of history itself. History, it is assumed, is made up of events."

Students should study this as the virtually perfect lead to a column about nothing: clause after clause striving successfully to create in the brain what nature abhors but what the column craves—a vacuum.

In four paragraphs, while our attention has been elsewhere, Rosenblatt has dealt with Carter's inaugural walk, the Hanafi Muslims, the South Moluccans, Queen Elizabeth, Bing Crosby, Elvis Presley, Groucho Marx, Son of Sam, Bert Lance, Marvin Mandel, the Yankees, Star Wars, Billy Carter, Guy Lombardo, the Emperor Bokassa, and is ready for another turn at the vacuum pump:

"But the bigger problem with characterizing a year by events is that it places the burden of history on headlines, as if the meaning of the past, and of the present becoming the past, were up front continually, announced by town criers. History is more than what we do; it's what we think."

This is vintage columnthink. and I think Wicker would do well to study it, in preparation for next year. The reader, his own head sinking inexorably onto his chest, is made aware that Rosenblatt is in exactly the same predicament and thus journalist and audience are harmoniously united in the journey towards slumber. With tranquil skill, Rosenblatt sends the sheep hopping over the fence: "Tolstoy, who knew something of war and peace, said What Ford meant by 'bunk', one presumes, was inaccuracy and distortion."

By the time we reach the conclusion ("Whatever 1977 consisted of, events were a small fraction. The big part was people, grand and not so grand, trying to make sense of events and themselves."), the

vacuum is perfect and satisfied snores make the welkin ring.

Seasonal journalism places columnists under an unusual responsibility. It is for them to offer the comforts and admonitions that, in a more religious age, used to be the province of the church.

A very stylish example of the sermon-column was furnished, in the season we have just left behind, by Ernest B. Furgurson, copyrighted to The Baltimore Sun and distributed by the Los Angeles Times syndicate. The lead is a complex one, but worth studying: "Left undammed, the stream of our holiday consciousness meandered through time and geography, physical sensations and literary excursions. Mostly it inspired satisfaction, colored by pride. Then, belatedly it merged with a stream of conscience." The reader may be furrowing his brow at this, but is already alerted by Furgurson's wordplay (consciousness, conscience) that he is in for some modest agenbite of inwit.

"Start from the source:" continues Furgurson "the separate mounds of treasure wrapped, then unwrapped by the several family circles in which I am involved, compared favorably with the artifacts dug up this fall by Professor Manolis Andronikos and his proteges in the Greek village of Vergina."

This is very classy stuff. The elevated use of the word "treasure" instead of "presents" has, in and of itself, a

sort of pulpit dignity, and there is the mysterious favorable comparison between the aforementioned treasure and whatever it was that Andronikos found in Vergina. (There is the added piquant puzzle of why Furgurson has "several" family circles—is he a grandfather, a bigamist?)

Swiftly Furgurson plunges into the heart of his paradox: "Power tools, perfumes, electronic toys, luggage for travelling to expensive places, clothing useless except on weekends, records to be played twice and then forgotten, electric razors for youths who never shave, gift certificates any one of which would have financed four Christmas seasons for the household in which I grew up—these are in a category with the gold and silver shields, helmets, diadems, gobiets, scepters and sarcophagus unearthed in Vergina and believed to have belonged to King Philip II of Macedonia, father of Alexander the Great. Unquestionably Philip would have been more impressed by what was discovered under the several small Douglas firs and Scotch pines of which I speak than even the most astounded antiquarian has been by the contents of his subterranean tomb."

This is all very mystifying, until one realizes the nature of Furgurson's strategy. There is no logic involved, since—on an altogether higher plane than Rosenblatt-he is miming the slightly conscience-stricken stream of consciousness of the reader who has spent too much, eaten too much, and who now hopes to forget. Suddenly, Furgurson whisks us to another part of the time warp: "Then, cold winds between the holidays met cold feet, which reminded of Valley Forge, which stands for hardship endured . . . Of course those soldiers might have been just as impressed had they been able to make it only 20 miles into Philadelphia, where the British were feasting and wenching But most of

them stayed They went on from there. We went on from there. They became us"

And by now Furgurson is poised for his epiphany: "Guilt? That seems wrong from the point of view from which Christmas spending is read as a barometer of our national well-being. The lavisher the celebration, the healthier the Republic. But it seems even more appropriate when we consider again that word 'we.'

The perfect sermon-column: the merest tincture of concern about the national destiny, in the midst of reflective affirmation, and the loosening of the waistband.

In my childhood, we visited St. Mary's Church (Protestant), Youghal, Ireland, four times a year, including Christmas. To the local tradesmen and their wives snoozing in their pews, Parson Watts would thunder denunciation of the greed and rank commercialism that now marred this Holy Day.

Occasionally, he would shoot out an accusatory finger at some specific victim of his wrath as he declaimed against "the fatted bird" and other sordid aspects of "Christ's birthday." Year after year, this all went down well enough, until, one Christmas Day, Watts lost his head and denounced "that vast engine of destruction that menaces us all."

This seemed too cosmic a metaphor for mere turkey and there was much head scratching in the pews. Gradually, as Watts ranted on, the awful became plain. He was talking about the atomic bomb. It was the end for poor Watts. Representations were made to the bishop and Watts was demoted to being curate of Watergrass hill, the meanest clerical assignment in the 26 counties.

He had forgotten—as sometimes the columnists do—the basic rule: admonish but do not terrify; affirm rather than deny; remember the neediest, but with due sense of decorum.

CLASSIFIEDS

PUBLICATIONS

CARIBBEAN-WATCHERS! Probing, comprehensive coverage of nations in, bordering Caribbean by monthly newsletter. Special \$12 yearly. Samples \$1. Caribbean News, 507 Fifth Avenue, New York City 10017.

DISCOVER NEW WRITING MARKETS. Prolit from our exclusive assignment listings. Trial 6 issues, \$5. "Freelancer's Newsletter," 15M Wynkoop (P.O. Box 128), Rhinebeck, N.Y. 12572. (088)

READ FRENCH, GERMAN, ITALIAN OR SPANISH—within weeks without memorizing anything. Revolutionary new Rundle System. Send \$19.95, specify language, or write for free London Daily Telegraph feature article. Templegate Publishers, Box 5152-X, Springfield, IL 62705. (28)

MISCELLANEOUS

1920s ROYAL TYPEWRITER. Unique find for writers, nostalgia buffs. Shiny black finish, gold lettering, beveled glass side panels. Serial No. X-1059728. \$350. (703) 821-2911. (18)

JOBS OFFERED

WANTED: ALL AROUND NEWS-PERSON. Collectively owned and operated progressive weekly newspaper needs full-time person with a variety of skills and interests to write and sell ads. Send resume to Santa Barbara News & Review, 1930 De la Vina Street, Santa Barbara, CA 93101. (78)

SERVICES OFFERED

SPECIALIST

TO THE

MEDIA INDUSTRY PAUL MILLER

26 COURT ST. BKLYN, N.Y. 11201 BY MAIL OR APPT.

N.Y. 212-339-0447 CALIF. 800-852-7631 Op. 43

800-824-5136 Op. 43

A WANTED POSTER



Now, you can have our poster on some prominent wall in your life. Just fill in the coupon and send us a check or money order for \$2.95 and we'll send you this 2-color 20"x 26" poster.

To: MORE Poster 40 West 57th Street New York, N Y 10019

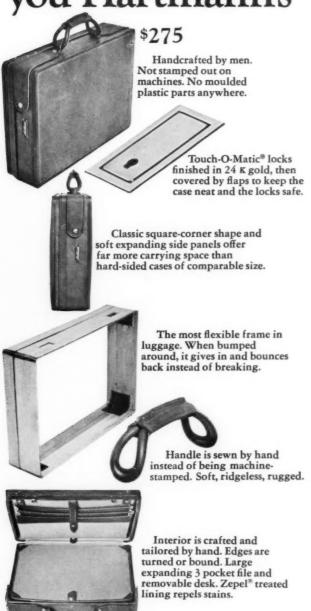
Please send me____poster (s) at \$2.95 each, postage, handling, tax included.

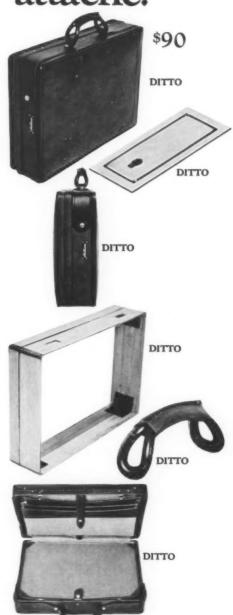
NAME Please Print

ADDRESS

Y STATE ZIP

The best way to sell you on Hartmann's \$90 attache is to show you Hartmann's \$275 attache.





There is a difference, of course. A big one. The \$275.00 case is made of imported industrial belting leather.

No two pieces of it are ever exactly alike. This leather is completely natural; no finish is needed to preserve its toughness and individuality. The edges of the case are first reinforced and then bound in the same rugged, natural leather. And the interior is tailored in a classic stain-resistant fabric with belting leather trim. For unique luxury, nothing surpasses it.

Our \$90.00 attache is made of the finest, most expensive vinyl available. And because these pieces are Hartmanns, the craftsmanship is the same in each case.



AVAILABLE IN FOUR PRICE POINTS: (SERIES 1) INDUSTRIAL BELTING LEATHER; (SERIES 2) HALSTON DESIGNED ULTRASUEDETM FABRIC; (SERIES 3) TOUGH WOVEN FABRICS WITH BELTING-LEATHER TRIM; (SERIES 4) NYLON FABRIC WITH VINYL TRIM OR ALL VINYL. AN EXTRA SLIM MODEL AVAILABLE AT SLIGHTLY LOWER PRICES. EACH HARTMANN CAN BE MATCHED TO OTHER PIECES FOR COMPLETE SETS. FOR BROCHURE WRITE: HARTMANN, DEPT. E4. LEBANON, TENNESSEE 37087.

Philip Morris Incorporated

Come to where the flavor is.



Mariboro Red or Longhorn 100's you get a lot to like.

Warning: The Surgeon General Has Determined That Cigarette Smoking Is Dangerous to Your Health.

1.0 mg mootine av. per cigarette, FTC Report Aug. 77

